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# University of Glasgow

## **Unexpected Effectiveness? The European Union and the Long Journey to the 2015 Landmark Agreement on Iran's Nuclear Programme**

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## Abstract

This study seeks to address the question of what explains variation in the effectiveness of the EU's actions towards Iran. To do so, it conducts a longitudinal analysis – spanning from 1992 to 2015 – focusing primarily on the nuclear dispute, in which the EU, for many unexpectedly, played a crucial role, particularly in the final period leading to the 2015 landmark agreement. In answering the central research question, this study expands on the concept of effectiveness so far used by scholars interested in the EU's behaviour in multilateral contexts and applying it to a single country. Moreover, this study unpacks the concept of effectiveness and explores the link between internal effectiveness – that is, whether the EU manages to act cohesively and purposefully – and external effectiveness – that is, whether the EU is able to reach the goals it sets for itself in the international arena. In doing so, the aim is that of contributing to debates on whether and how EU internal effectiveness influences EU external effectiveness and the extent to which the external context helps explain variation in the EU's ability to reach its stated goals.

By revisiting the long journey leading to the normalisation of relations between Iran and the international community, this study demonstrates that internal effectiveness is necessary, but insufficient to explain EU external effectiveness, which in fact is also contingent upon the external context in which the EU operates. In particular, the empirical findings covering three distinct periods have demonstrated that focusing only on the position of the US (and related transatlantic cooperation) cannot always provide us with a full explanation of why the EU is (un)able to reach its objectives vis-à-vis third countries. Importantly, the behaviour of the 'target country' and the negotiating style used by the EU must be taken into account to explain why the EU's effectiveness towards Iran has varied across time. As for internal effectiveness, it has been argued that the EU is effective as a global actor when it is able to act autonomously, coherently and is recognised by other actors, including the target country. The level of legal competence in shaping the EU's capacity to act coherently and effectively in world politics is less important than what has been claimed by the existing literature. Importantly, when the EU is able to articulate determinate common positions and the Member States stick to what they decide jointly, the likelihood for the EU of being externally effective is significantly enhanced, regardless of decision-making rules.

# Table of Contents

Title Page.....	1
Abstract .....	2
List of tables .....	5
List of figures .....	6
Acknowledgements.....	8
Declaration .....	10
Abbreviations .....	11
<b>Chapter 1: Introduction .....</b>	<b>13</b>
1. In search of explanations for the EU's action towards Iran.....	15
2. Research methods and data collection.....	20
3. Outline of the thesis.....	22
Conclusion .....	24
<b>Chapter 2: Theoretical framework: understanding EU effectiveness towards third countries .....</b>	<b>25</b>
Introduction.....	25
1. Effectiveness: definition and measurement .....	26
2. Understanding EU internal effectiveness .....	29
3. Linking internal and external effectiveness .....	35
4. Understanding EU external effectiveness.....	37
Conclusion .....	47
<b>Chapter 3: First period (1992 - 2002): from critical to comprehensive dialogue .....</b>	<b>48</b>
Introduction.....	48
1. Critical dialogue .....	50
2. The Mykonos crisis and the end of critical dialogue.....	60
3. Comprehensive dialogue .....	65
Conclusion .....	74
<b>Chapter 4: Second period (2003 - 2005): unilateral EU diplomatic initiatives with limited coercive measures .....</b>	<b>77</b>
Introduction.....	77
1. Iran's nuclear programme .....	80
2. The E3's diplomatic initiatives.....	83

3. From the E3 to the E3/EU .....	91
4. The Paris Agreement and the difficult negotiations over a long-term solution .....	97
Conclusion .....	105
<b>Chapter 5: Third period (2006 - 2015): from coercive to cooperative diplomacy within multilateral negotiations .....</b>	<b>107</b>
Introduction.....	107
1. The involvement of the UNSC .....	109
2. The sanctions against Iran within the UNSC framework.....	114
3. The EU and the new US administration.....	118
4. The EU unilateral sanctions against Iran and the negotiations of a comprehensive deal .....	124
Conclusion .....	137
<b>Chapter 6: Comparative analysis: reflecting on the EU's action towards Iran .....</b>	<b>139</b>
Introduction.....	139
1. Revisiting the long journey to the 2015 agreement .....	140
2. Explaining EU internal effectiveness.....	142
3. Explaining EU external effectiveness .....	149
Conclusion .....	156
<b>Chapter 7: Conclusion .....</b>	<b>157</b>
1. EU-Iran relations and the nuclear issue.....	158
2. The EU's effectiveness vis-à-vis third countries.....	161
3. Final remarks.....	164
<b>Appendices .....</b>	<b>167</b>
Appendix I: List of interviewees.....	167
Appendix II: Chronology of relations between the EU and Iran and the key issues (1992-2002).....	168
Appendix III: Chronology of relations between the EU and Iran and the key issues (2003-2005) .....	170
Appendix IV: Chronology of relations between the EU and Iran and the key issues (2006-2015) .....	173
Appendix V: Main UNSC, EU and US sanctions imposed against Iran.....	178
Appendix VI: List of nuclear facilities under the IAEA safeguards .....	188
<b>References .....</b>	<b>190</b>

## List of tables

<b>Table 3.1</b>	Europeans exports to Iran 1991-1997 in million US\$ .....	56
<b>Table 3.2</b>	Europeans imports from Iran 1991-1997 in million US\$ .....	57
<b>Table 3.3</b>	EU-Iran trade (in € million) .....	69
<b>Table 5.1</b>	EU and its Members States trade with Iran (imports from Iran: € million).....	123
<b>Table 5.2</b>	EU and its Members States trade with Iran (exports to Iran: € million).....	123
<b>Table 5.3</b>	EU and its Members States trade with Iran (imports from Iran: € million).....	128
<b>Table 5.4</b>	EU and its Members States trade with Iran (exports to Iran: € million).....	128
<b>Table 7.1</b>	Summary of empirical findings .....	164

## List of figures

<b>Figure 2.1</b> The EU in relation to third countries: internal effectiveness, contextual factors, external effectiveness .....	46
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# **Dedication**

To my beloved wife “Jihan”

To my adorable sons “Ali, Mohammed and Judi”



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## Declaration

I declare that, except where explicit reference is made to the contribution of others, that this dissertation is the result of my own work and has not been submitted for any other degree at the University of Glasgow or any other institution.

Signature:

Printed Name: Omran Omer Ali

## Abbreviations

CEECs	Central and Eastern European Countries
CFSP	Common Foreign and Security Policy
EC	European Community
ECFR	European Council on Foreign Relation
EEAS	European External Action Service
ENP	European Neighbourhood Policy
ESS	European Security Strategy
E3	Group composed of Germany, France and the UK
EU	European Union
E3/EU	Group composed of the E3 plus EU HR
E3/EU+3	Group composed of the E3 plus EU HR plus the US, Russia and China
HR	High Representative (for the EU Foreign and Security Policy)
IAEA	International Atomic Energy Agency
ICC	International Criminal Court
ILSA	Iran and Libya Sanctions Act
JCPOA	Joint Comprehensive Plan of Action
JPOA	Joint Plan of Action
LEU	Low Enriched Uranium
MSs	Member States (of the European Union)
NPT	Nuclear Non-Proliferation Treaty
NSG	Nuclear Supplier Group
R&D	Research and Development
TCA	Trade and Co-operation Agreement
TRR	Tehran Research Reactor
TEU	Treaty on European Union

TFEU	Treaty on the Functioning of the European Union
UK	United Kingdom
UN	United Nations
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
US	United States
WMD	Weapons of Mass Destruction
WTO	World Trade Organisation

## Chapter 1 Introduction

On 14 July 2015 a comprehensive deal on Iran's nuclear programme was signed between Iran and a group of actors including the European Union (EU), three European countries – Germany, the United Kingdom (UK) and France – and three world powers – the United States (US), Russia and China. A joint comprehensive plan of action established that Iran would limit its nuclear capability and dismantle its nuclear facilities in return for lifting international oil and financial sanctions. More generally, the agreement facilitated the normalisation of relations between Iran and the international community. In fact, Iran had started being a problem for the West in the late 1970s when the Islamic Revolution took place, with the US seeking to isolate it following the seizing of its embassy in Teheran, and several other European states following suit though with a less antagonistic approach. The importance of what was called a 'historic day' transpires from the joint statement released by the EU's High Representative (HR) for Foreign and Security Policy Federica Mogherini and Iran's Foreign Minister Mohammad Javad Zarif:

With courage, political will, mutual respect and leadership, we delivered on what the world was hoping for: a shared commitment to peace and to join hands in order to make our world safer.... What we are announcing today is not only a deal but a good deal. And a good deal for all sides – and the wider international community. This agreement opens new possibilities and a way forward to end a crisis that has lasted for more than 10 years (Mogherini and Zarif, 2015b).

Reaching such a landmark agreement was far from easy, and in fact it saw the involvement of several international actors, negotiating in different arenas. This thesis focuses on the European Union, which, for many unexpectedly, played an instrumental role in the final period leading to the 2015 deal. Yet, it situates the EU's role on the nuclear crisis within the broader context of EU-Iran relations, hence the starting point for the analysis is 1992, which marked the beginning of the EU's official relations with Iran and the launch of the policy of engagement and dialogue. Interestingly, the start of the EU's diplomatic engagement with Iran coincided with the adoption of the Treaty on European Union (TEU) in Maastricht and the institutionalisation of the EU's Common Foreign and Security Policy (CFSP), through which the EU manifested a clear intention to strengthen its internal

capabilities with the aim of being a more effective actor in international politics (Smith, 2004).

Throughout this period (1992-2015), existing analyses have contended, the EU pursued different goals: in some instances it was effective and in others it was not (Struwe, 1998; Sauer, 2007a; Moran and Hobbs, 2012; Blockmans and Waizer, 2013). Against this background, this study seeks to address the following research question: what explains variation in the effectiveness of the EU's actions towards Iran?

To address this question, this study expands on the concept of effectiveness so far used by scholars interested in the EU's behaviour in multilateral contexts (Laatikainen and Smith, 2006; Thomas, 2012; Van Schaik, 2013; Niemann and Bretherton, 2013; Conceição-Heldt and Meunier, 2014) and applies it to a single country. Moreover, this study unpacks the concept of effectiveness and explores the link between internal effectiveness – that is, whether the EU manages to act cohesively and purposefully – and external effectiveness – that is, whether the EU is able to reach the goals it set for itself in the international arena. In doing so, the aim is that of contributing to debates on whether and how EU internal effectiveness influences EU external effectiveness and the extent to which the external context helps explain variation in the EU's ability to reach its stated goals.

The primary aim of this thesis, however, is that of investigating the EU's behaviour towards Iran, using the concept of effectiveness to show the extent to which the EU managed to achieve its goals vis-à-vis a single country. In doing so, it will seek to fill existing gaps in the literature on EU-Iran relations, which has so far focused on specific events, the effectiveness of sanctions, or the impact of the US on the EU's ability to reach its goals.

The rest of this introductory chapter is broken down into three sections. The first section discusses the importance of Iran and nuclear issues for the EU's external relations before reviewing the existing scholarship on EU-Iran relations and the EU's role in international affairs. The second section touches upon methodological and data collection issues. The final section outlines the structure of the thesis.

## 1. In search of explanations for the EU's action towards Iran

This thesis is concerned with the evolution of the EU's relations with Iran since the start of official relations in 1992, but with the discovery of Iran's nuclear programme in 2003, the EU's attention shifted from economic and normative issues to security policy and the nuclear issue was prioritised over all other issues. Clearly, the consequences of a nuclear crisis are much greater than any economic loss or violations of human rights. Given their overwhelming destructive power, the proliferation of weapons of mass destruction (WMD) has widely been perceived as an existential threat to the very survival of humankind, not just to international security (Bahgat, 2005; Jo and Gartzke, 2007).

Following the Cold War, during which nuclear weapons were seen as effective means of deterrence, there was increasing optimism, among analysts and policy-makers, that nuclear proliferation would be of declining relevance (Heywood, 2014). However, the threat of nuclear proliferation resurfaced as India and Pakistan in 1998 joined the nuclear club. With time, other countries – notably Iraq, Libya and Iran, and more recently North Korea – have sought to boost their nuclear capabilities. Established nuclear powers have continued to use nuclear strategies and proliferation has become easier given that nuclear technology is more readily available (Heywood, 2014). Unsurprisingly, the proliferation of WMD pointed to the fact that the world has entered a new and increasingly dangerous era (Grand, 2000; Gartzke and Kroenig, 2009). The deployment of even a small number of nuclear weapons directed against any states would bring unprecedented devastation and loss of life. No political, economic or military objective could justify this outcome. Given also no one believe that any human or technological device, system or tool could operate forever without failure or error, the theory of nuclear deterrence has become obsolete: nuclear weapons will always carry the threat of nuclear war in a climate of fear and uncertainty (David, 1992/93; Doyle, 2013; Heywood, 2014).

Potential possession of nuclear weapons by some states, such as Iraq, Iran, North Korea, Libya, are of particular concerns to the EU and the US, specifically given their support to and sponsor of terrorist activities and organisations (David, 1992/93). International terrorism, in particular after the events of 11 September 2001, which marked the emergence of an entirely new brand of terrorism, has become a major security threat to the international peace and security (Heywood, 2014). The 2011 attacks against the US demonstrated that if terrorists, intent on carrying out mass casualty attacks, acquired nuclear weapons, the results would be catastrophic.<sup>1</sup> Furthermore, non-state terrorist



groups with nuclear weapons are conceptually outside the bounds of a deterrent strategy and present more difficult and dangerous security challenges. Thus, the existence of nuclear weapons in the age of global terrorism has created a very real security liability for all states. The key uncertainty in the current security environment is not whether nations will be attacked by terrorists and non-state actors but whether such actors could acquire the means to move from conventional to nuclear explosives, making their attacks of much greater consequence (Doyle, 2013).

In this sense, the threat posed by Iran's ambitions to acquire nuclear capability and thus the EU's efforts to prevent it from becoming another nuclear state have been a top priority for the EU since the early 2000s. In contrast to human rights issues, all EU Member States (MSs) were concerned about Iran's nuclear issue and they were willing to act unitedly and actively to prevent Iran from acquiring or developing nuclear weapons.

Clearly, discussions of nuclear crisis constitute a significant component of the empirical chapters, yet the thesis more generally will seek to draw and contribute to two different literature strands: EU-Iran relations and EU as a global actor. In terms of EU-Iran relations, academic attention has focused on the various approaches pursued by the EU since the early 1990s: conditional engagement (that is, progress in EU-Iran relations conditioned upon change in Iran's behaviour over a few critical issues); engagement with limited coercion (that is, diplomatic engagement aimed to find a negotiated solution to Iran's nuclear issue with the threat to refer Iran to the United Nations Security Council (UNSC) in the absence of compliance), dual-track strategy (that is, increased pressure on whilst maintaining diplomatic engagement with Iran); and cooperative strategy (that is, progress on EU-Iran relations based on mutual respect and the pursuit of mutually beneficial solutions for both sides). Still, existing contributions have discussed events separately, so much so that it has not been yet possible to grasp a clear sense of the EU's overall policy towards Iran. As for the academic debate on the EU as a global actor, academic interest has progressively shifted from what the EU 'is' and 'does', to what it actually 'achieves' in global affairs. An emerging strand of literature, therefore, has started to analyse the effectiveness of the EU in international contexts, yet its effects on single countries, and their response to EU pressures, have been overlooked. This thesis, thus, takes into account the behaviour of the 'target' country, as well as the different types of negotiating styles used by the EU to engage with it, to add to the existing literature on external effectiveness.

The first broad literature of concern for this study is related to EU-Iran relations. Early studies sought to explain the reasons and the effect of the EU's attempt to constructively engage with Iran, which was seen as the only possible way to obtain some changes in those areas that were of particular interest to the EU and some of its Member States, notably human rights and terrorism, but not the nuclear issue. Some have argued that this type of approach was a consequence of Iran's geo-political relevance in terms of regional stability and economic importance as a key source of oil and gas (Rudolf, 1999; Pinto, 2001; Taylor, 2001). Others have contended that it resulted from the increased importance of human rights in the EU's foreign policy agenda (Struwe, 1998). Overall, the EU's policy of engagement, in contrast to the one pursued by the US seeking to isolate Iran through the use of sanctions, was considered not particularly effective (Ehteshami, 2001; Einhorn, 2004; Calabrese, 2004; Noi, 2005). Such disappointing outcome has been attributed not only to the divergent approaches of the EU and the US (Pinto, 2001; Sammoudi and Hatamzadeh, 2012), but also to the lack of coordination between EU MSs, which did not seem willing to sacrifice their economic interests in the name of a common European interest (Struwe, 1998; Reissner, 2000).

With the discovery of Iran's nuclear enrichment activities in 2003, the scholarly debate increasingly focused on the nuclear issue and the EU's efforts to find a diplomatic solution. Some scholars have maintained that the shift in attention and efforts by the EU was due mainly to the security implications of the nuclear issue (Kutchesfahani, 2006; Bergenäs, 2010; Kaussler, 2012). Others have highlighted the importance of Iran's nuclear dispute as a test for the EU's foreign policy after the debacle over the 'war on terror': it was thus seen as a way to overcome internal divisions between Member States (Everts, 2004; Bailes, 2005; Dominguez, 2007) and to rebuild trust and consolidate cooperation with the US (Einhorn, 2004; Calabrese 2004).

The effect of the EU's efforts to find a comprehensive solution to the nuclear crisis between 2003 and 2005 has received mixed evaluations. Some have argued that the EU achieved little because of its inability to gain support from the US (Einhorn, 2004; El-Khawas, 2005), particularly on the issue of the security guarantees (Leverett, 2006; Sauer, 2007b), or because of its unrealistic objective of zero enrichment, which was not acceptable to Iran's political leadership (Fitzpatrick, 2008a; 2008b). Other have highlighted how the EU managed to have Iran sign two important agreements (Tehran Agreement and Paris Agreement), which brought the country to temporarily suspend its enrichment activities and slowed down its nuclear programme, and to have it sign and

apply a protocol of the International Atomic Energy Agency's (IAEA) (Sauer, 2007a; 2008). These diplomatic efforts, moreover, were seen as crucial in preventing a military escalation between the US and Iran (Kile, 2005b; Santini, 2010; Meier, 2013). Importantly, they also show that the EU was able to act more coherently and purposefully than it had done before (Sauer, 2007a; 2008; Dryburgh, 2008; Tocha, 2009).

With the involvement of the UNSC and the imposition of sanctions against Iran in 2006, scholarly attention shifted to the effect of the EU's coercive diplomacy. The effect of these measures on Iran's willingness to comply with the requests of the West was considered minimal at best (Esfandiary and Fitzpatrick, 2011; Borszik, 2016) – world powers, including the EU, failed to understand that Iran was not ready to relinquish its right to enrich uranium – or even resulted in further resistance to UNSC demands (Maloney, 2010; Cheraghlou, 2015). The imposition of the oil embargo severely hit Iran's economy, yet not to the point of causing a change of behaviour over its nuclear programme (Blockmans and Waizer, 2013; Giumelli and Ivan, 2013); nevertheless, it was seen as increasing pressure on the country to return to the negotiating table (Moran and Hobbs, 2012; Maloney, 2015). The adoption of the 2015 agreement – some analysts have noted (Geranmayeh, 2015; Glaser et al., 2015) – was significant in curbing Iran's nuclear capabilities and building a nuclear free zone in the Middle East, but more importantly was celebrated as the end of a protracted isolation for Iran.

The second strand of the literature that underpins this study concerns the EU's role in international politics. Early studies provided an initial conceptualisation of the EU's actorness (Sjöstedt, 1977; Jupille and Caporaso, 1998; Bretherton and Vogler, 1999) and the EU's presence in international politics (Allen and Smith, 1990; Hill, 1993). Presence does not require actor capability: in fact the EU can play an active role beyond state-centric or actor-centric characteristics as a form of unique and latent power mainly derived from its economic power (Allen and Smith, 1990). Linked to these debates is the EU's 'capability-expectations gap': the EU was expected to play a greater role after the end of the Cold War, but lacked the means to do so (Hill, 1993; 1998). The creation of the Common Foreign and Security Policy with the Treaty of Maastricht in 1992 can be seen as a first significant attempt to strengthen the EU's capability to be a more effective actor in international politics.

Since the late 1990s academic interest in the EU's external action has significantly increased. Various contributions have analysed the impact of the EU across various policy

areas (e.g. Ginsberg, 1999; 2001; Bretherton and Vogler, 2006; Laatikainen and Smith, 2006) or performance within international organisations (e.g. Ortega, 2005; Jørgensen, 2009; Kissack, 2010; Jørgensen et al., 2011; Dee, 2013), reflecting the view that the EU does have the ability to shape international outcomes. A large group of scholars have devoted their attention to the debate of what type of power the EU is: normative (Manners, 2002; 2006; Diez and Manners, 2007; Scheipers and Sicurelli, 2007), civilian (Stavridis, 2001; Orbie, 2006; Telo, 2006; 2009), ethical (Aggestam, 2008) or transformative (Börzel and Risse, 2009). Another group of scholars have focused on the external perceptions of the EU's role in the international arena, arguing that its impact in global affairs depends on how other relevant actors see and evaluate the EU's policy objectives (Chaban et al., 2006; Elgström, 2007; Lucarelli and Fioramonti, 2008; Torney, 2014).

Meanwhile the adoption of the Treaty of Lisbon in 2009, with the strengthening of the role of the High Representative for the Union Foreign and Security Policy, who also serves as vice president of the European Commission and head of the European External Action Service (EEAS), was meant to boost the EU's internal capability and posture on the global stage (Duke, 2008; Gebhard, 2011; De Jong and Schunz, 2012).

Whether or not these debates, as Smith (2007: 13) has put it, 'are not really leading us anywhere right now' is a moot point, yet more attention has been paid to analysing what kind of power the EU wields and with what effect. Thus, recent studies have moved beyond the EU's ability to act and considered the EU's effectiveness in the international arena (e.g. Thomas, 2012; Groen and Niemann, 2012; 2013; Carbone, 2013; Elsig, 2013; Niemann and Bretherton, 2013; Van Schaik, 2013; Conceição-Heldt and Meunier, 2014; Börzel and van Hüllen, 2014). However, this emerging body of literature has explored the EU's effectiveness in multilateral negotiations and within international organisations. With a view to moving this debate forward, this study provides a comprehensive empirical analysis of the external effectiveness of the EU towards a single country. In highlighting the role of the external context as crucial for the EU's ability to attain its objectives, it propose to take into the consideration the position of other relevant actors, the behaviour of the target country, and the corresponding EU negotiating style.

## 2. Research methods and data collection

This thesis adopts a single case study method over a long period – spanning from 1992 to 2015 – covering different aspects in EU-Iran relations but particularly the nuclear crisis.

The value of case study research, which is widely used in the social sciences (Meyer, 2001), lies in providing a holistic in-depth understanding of the specific issue under investigation (Tellis, 1997; Silverman, 2005; Mabry, 2008; David and Sutton, 2011). It also gives an opportunity to effectively address how and why questions (Leonard-Barton 1990), test hypotheses (White et al., 2009) and ascertain which theory best explains the issue under investigation (Moaz, 2002). At the same time, a key drawback of case studies is the challenge of drawing generalisable inferences, which refers to the ability of applying the conclusions of the study beyond a specific case, place and time (Collier, 1993; Bryman, 2004; Kennedy, 2006; Mabry, 2008).

However, the aim of this study is not to generalise and apply findings on effectiveness beyond the specific case in question. Rather, it aims to provide a full in-depth understanding of the issue under investigation – that is, the effectiveness of the EU towards a third country (Iran) – as well as to provide some new explanations of the effectiveness of the EU and why it varies. By relying on a wide range of data, a relatively complete account of the phenomenon under question can thus be achieved (Burnham et al., 2008). In fact, intensive explanation of single case would enable us to demonstrate relationships between different factors that might be of help to explain the effectiveness of the EU in other cases (Bryman, 2004). Furthermore, a full appreciation of the case in question provides a solid basis for a better understanding of other cases. Therefore, this study could be used as a starting point for other studies of the EU's effectiveness towards single countries.

This thesis presents a longitudinal analysis, which enables us to trace the evolution of events and actors' behaviour across a relatively long period (Mitchell, 2006). Longitudinal analysis is not very a very used design in social research mainly because of the time and cost involved. It is typically found in subjects such as sociology, social policy and human geography. By using the longitudinal analysis, researchers should be better placed to track cause and effect and possibly draw causal inferences (Leonard-Barton, 1990; Meyer, 2001). Moreover, an in-depth longitudinal examination of a phenomenon in question provides a systematic way of observing events, collecting data and analysing information over a long period of time (Zainal, 2007).

Importantly, analysing EU involvement with Iran through a longitudinal approach enables us to capture and explain variation in both internal and external effectiveness. In this sense, it is important to note the reasons behind the selection of the time framework (1992-2015), particularly the year 1992. This year marked not only the launch of the EU's Common Foreign and Security Policy (CFSP) with the Treaty of Maastricht but also the beginning of the EU's official relations with Iran. True, between 1992 and 2003 the nuclear issue was not a top priority for the EU as Iran's membership to the Nuclear Non-Proliferation Treaty (NPT) since 1970 assured that any potential violations of the NPT would be dealt with by the International Atomic Energy Agency (IAEA). In fact, Iran for long time abided by its obligations under the NPT, with the IAEA continuing to monitor Iran's nuclear activities and finding no evidence of nuclear weapons (IAEA, 1999; 2000; 2001a; 2002). As long as Iran abided fully by all its obligations under the NPT and the IAEA found no evidence of nuclear weapons, Iran's 'normal' nuclear activities were not considered by the EU as a threat to security and thus an issue of concern to be tackled. But the focus of the thesis is not just on the nuclear issue. In fact, the three different periods point to some variation in the EU's approach towards Iran; more specifically, in the first period the EU's attention was placed mostly on commercial relations and in part on human rights violations, while in the other two periods the threat of nuclear weapons naturally gained more prominence, much higher than any potential loss from reduced commercial relations.

This thesis relies on a range of primary and secondary sources. Primary sources include various types of official documents from the EU (notably EU Council conclusions, statements, demarches and EU HR statements), Iran, as well as from the US, which was a key actor in all diplomatic talks. Additional critical information has come from various international organisations, notably the IAEA (e.g. Board of Governors reports and resolutions, IAEA Information Circular) and the UNSC (i.e. resolutions). This study also draws from three memoirs, written by Mohamed ElBaradei (Director of the IAEA from 1997 to 2009), Seyed Hossein Mousavian (senior negotiator for Iran for nuclear issue from 2003 to 2005), and John Bolton (US Under Secretary for Arms Control and International Security Affairs from 2001 to 2005 and then US Ambassador to the United Nations from 2005 to 2006).

Secondary sources, besides scholarly work, include a variety of EU, Iranian, Middle Eastern and international news agencies and newspapers.<sup>2</sup> These sources were crucial to capture the positions of the EU and its MSs, Iran, the US and other relevant actors. Getting detailed information about the EU MSs is of particular importance, especially given the

fact that negotiations, most notably in the European Council and the EU Foreign Affairs and External Relations Council, occur behind close door and records of such meetings are not available to the general public.

Finally, a small number of semi-structured interviews, seven in total, were conducted in February-March 2016 with senior policy-makers from the EU and some EU Member States in Brussels closely involved in EU-Iran relations and in nuclear proliferation issues.<sup>3</sup> These officials included three senior officials within the EU supranational institutions (specifically working within the EEAS Iran Task Force, the EEAS Sanctions Division, and the EURATOM Co-ordination and International Relations Unit at the European Commission Directorate-General for Energy) and four senior officials from four different EU Member States (all part of the Political Section or Political and Security Committee within their Permanent Representation to the EU) (see Appendix I for the list of interviews conducted).

The use of semi-structured interviews is particularly useful as it enables researchers to set open-ended questions, list topics and themes meant to be discussed from the beginning of the interview process and then adapt accordingly (Bryman, 2004; David and Sutton, 2004). Unfortunately, the number of interviews is smaller than what was originally planned – as a result of the fact that numerous policy makers declined the invitation owing to the sensitivity of the topic – yet all the interviewees provided very important insights on EU-Iran relations, particularly over the last period.

### **3. Outline of the thesis**

Following this introductory chapter, this thesis is broken down into six chapters. Chapter two presents the theoretical framework. It first defines, in general terms, the concept of effectiveness and how it is measured, and then applies it to the EU's external relations. In particular it looks into both EU internal effectiveness, considering crucial factors such as autonomy, coherence and recognition, as well as EU external effectiveness, concentrating on exogenous factors such as the position of major international actors (in particular the US), the behaviour of the target country, and the related EU negotiating style. Finally, the chapter looks into the link between EU internal and external effectiveness, positing that internal effectiveness is a necessary but insufficient condition for EU external effectiveness. It also posits that in order for the EU to be externally effective, it must also

be internally effective; moreover, the external context in which it operates must also be favourable. Conversely, the EU will not be externally effective when it is not internally effective and/or when the external context is unfavourable. This framework is then applied, in the following three empirical chapters, to explain the EU's action towards Iran since the early 1990s.

Chapter three analyses the 1992-2002 period. During these years, the EU focused its attention on a few key issue areas, such as human rights, terrorism, and the fatwa against the British author Salman Rushdie:<sup>4</sup> progress in these areas was set as condition for fuller cooperation. The nuclear issue was not a top priority. The EU did not speak with one voice and in various instances clashes between EU Member States became evident. Moreover, this period was characterised by transatlantic rift over how to engage with Iran. The chapter concludes that the EU's low internal effectiveness translated into low external effectiveness and unsurprisingly the EU failed to achieve its stated goals.

Chapter four concentrates on the 2003-2005 period. During these few years, Iran's nuclear programme became a central concern for the international community. The EU, which had become more internally united, was very active in finding a comprehensive solution to the nuclear crisis. This period is characterised, again, by limited transatlantic cooperation, so much so that the EU failed to achieve its far-reaching goal of solving the nuclear crisis diplomatically, yet it was able to positively cooperate with Iran on a number of intermediary goals. The chapter ultimately shows that high internal effectiveness translated into medium external effectiveness as the EU reached some of its objectives, despite the lack of US support but thanks to Iran's cooperative behaviour.

Chapter five focuses on the 2006-2015 period. This decade was characterised by the adoption of sanctions against Iran, which nevertheless refused to cooperate with the international community and to positively respond to the request of the UNSC. The nuclear issue remained central to the external agenda of the EU, which now sought to find a comprehensive solution through the dual-track strategy. This period is also characterised by strengthened transatlantic cooperation and by the holding of multilateral negotiations in various contexts, with the EU HR playing an important role. This chapter shows that, overall, the EU was highly effective, both internally and externally. But the increasing level of EU internal effectiveness, coupled with significant transatlantic cooperation, was insufficient to find a comprehensive solution to Iran's nuclear programme. EU external effectiveness reached its peak with the landmark agreement of July 2015 and this was



possible thanks to the positive attitudes of the Iranian government and the use of cooperative diplomacy by the EU, addressing simultaneously Iran's key concerns and those of relevant western powers.

Chapter six brings together the findings of the three empirical chapters to provide an overall explanation of the EU's effectiveness towards Iran over more than twenty years. Each factor shaping the EU's internal effectiveness is discussed in turn. The analysis then concentrates on the EU's external effectiveness and the impact of the external context on the EU's ability to achieve its goals in each of the three periods. The chapter, and with it the overall thesis, argues that EU internal effectiveness is a necessary but insufficient condition for external effectiveness to occur and that EU external effectiveness is contingent upon a favourable external context, derived by the constructive behaviour of the target country in response to the EU's demands and negotiating style.

The final chapter draws some conclusions, returning to the key research question presented in the introduction and to the two strands of literature to which this thesis seeks to contribute. It also suggests some venues for potential future research, specifically on the EU's engagement with the so-called rogue states, effectiveness of sanctions, and transatlantic cooperation.

## **Conclusion**

The adoption of the 2015 agreement on Iran's nuclear programme has been (perceived as) a major achievement for the EU, but clearly its roots lie in a series of previous events. In fact, this chapter, and then the rest of this study, has shown why the EU was (un)able to reach its objectives in relation to Iran over more than twenty years, from the early 1990s to the mid-2010s. To do so, it has framed EU-Iran relations within the debate on the role of the EU in international affairs, using the concept of effectiveness. Besides the effect of sanctions on Iran's behaviour and the role of the US, which have been somehow discussed by the existing literature, the added value of this study is that of considering the impact of the target country's behaviour and the related EU negotiating style on the EU's ability to reach its goals. More generally, this study offers a wide-ranging analysis on how internal and external effectiveness interact. Moreover, it provides a comprehensive theoretical framework to investigate the effectiveness of the EU towards a single country, which not only helps improve our understanding of the effectiveness of the EU in international affairs but might be useful to explain EU effectiveness in relation to other cases.

## Chapter 2

# Theoretical framework: understanding EU effectiveness towards third countries

### Introduction

This chapter presents the theoretical framework of the study. Using the concept of effectiveness, the aim is that of providing a comprehensive analysis of why the EU is (un)able to achieve its objectives in the international arena. To do so, this study draws on existing scholarship that has started exploring the effectiveness of the EU in multilateral settings (Laatikainen and Smith, 2006; Thomas, 2012; Niemann and Bretherton, 2013; Conceição-Heldt and Meunier, 2014), yet it adds to it by extending analysis to single countries and by integrating into the framework some crucial exogenous factors, related most notably to the response of these countries to the EU's demands. This study, moreover, has the ambition of improving our understanding of the link between internal and external effectiveness. In this sense, it first looks into the key factors that enhance the likelihood of the EU to behave deliberately and purposely in international settings, arguing however that (more) EU internal effectiveness is a necessary but insufficient condition for (more) external effectiveness. Then, it focuses on the external context, examining factors that enable – or prevent – the EU's internal effectiveness to translate into external effectiveness.

To do so, this chapter is broken down into four sections. The first section delves into the concept of effectiveness and the problems associated with its measurement. The second section discusses EU internal effectiveness, highlighting the importance of three factors: autonomy, coherence and recognition. The third section concentrates on the link between internal and external effectiveness. The final section touches upon impact of the context under which the EU acts on external effectiveness, determined by the position of other relevant actors, the behaviour of the target country and the EU's negotiating style.

## 1. Effectiveness: definition and measurement

In order to conceptualise and fully understand effectiveness, the first step is to establish what it actually means. According to the Oxford English dictionary, the term effectiveness refers to ‘the quality of being effective’ or the quality of ‘producing a desired or intended result’ (Concise Oxford English Dictionary, 2011: 456).<sup>5</sup> In the area of International Relations, still, it is seen as an ‘elusive concept’ (Young and Leavy, 1999: 3), or a ‘relative concept’, whose implications vary across policy sectors due to the diverse objectives and standards against which it has been investigated (Niemann and Bretherton, 2013: 268). The two most frequent ways of defining effectiveness, however, refer to it in terms of ‘problem solving’ and ‘goal attainment’.

The first use of the term – ‘problem solving’ – is to be attributed mostly to scholars of international regimes (e.g. Young, 1991; 1994; 1999; Underdal, 1992; 2002; Helm and Sprinz, 1999). Effectiveness here denotes the ability of institutions to solve or mitigate the problems that motivated actors to create the regimes (Young, 1994; Levy et al., 1995; Young and Levy, 1999; Underdal, 2002; 2004). More specifically, whether there is any improvement compared to scenario with no regime effectiveness is the proportion of the relative distance that the actual performance has moved or if the optimal solution has been reached (Underdal, 1992; 2002; Helm and Sprinz, 2000; Young, 2001). This approach helps to appreciate the extent to which actual outcomes differ from those that would have occurred in the absence of an institution, as well as the extent to which the outcomes may be the result of the presence of a regime or other elements (Underdal and Young, 2004).

The second use of the term – ‘goal attainment’ – denotes the ability of an actor to attain its goals over a certain issue, and has been widely used in various fields of International Relations. For instance, some scholars on peace studies have defined effectiveness as the ability of international and regional organisations to fulfil their missions (Ratner, 1995; Sambanis, 2000; De Carvalho and Aune, 2010). Others have focused on both processes and outcomes in their analysis of performance and effectiveness of international and regional organisations’ peace operations (Lipson, 2010; Solf, 2014). Importantly, it may be the case that there is a relationship between the two meanings of effectiveness and that ‘goal attainment’ might be of some help to explore the contribution of an actor in terms of ‘problem solving’ (Carbone, forthcoming). However, the two ‘need not go together’ because for an institution achieving a goal is not by itself sufficient to solve the problem in question (Young, 1994).

The concept of effectiveness has been further developed in the area of EU studies, where however ‘few scholars studying the EU’s international conduct have analysed the concept in a comprehensive and structured way’ (Van Schaik, 2013: 37), so much so that there is no clear consensus on its implications. A first strand of the literature has associated it to impact, linking the EU’s ability to reach its goals with the ability to influence other actors (Elgström and Smith, 2006; Brattberg and Rhinard, 2013). Another strand of the literature, drawing on performance studies, has explored the correlation between objectives and outcomes as a main indicator for performance, irrespective of the EU’s actual role (Jørgensen, 2009; Jørgensen et al., 2011; Oberthür, 2011; Kissack, 2011; Dee, 2013; Oberthür and Groen, 2015).<sup>6</sup> Finally, an emerging strand of the literature has investigated the link between EU actorness/coherence/cohesiveness (the differences between these terms is not substantial) and effectiveness across various policy fields, at times conflating effectiveness and impact (Thomas, 2012; Niemann and Bretherton, 2013). For instance, for Conceição-Heldt and Meunier (2014: 968), effectiveness refers to ‘the ability to influence outcomes – that is, to obtain the result closest to one’s reservation value while minimizing the bargaining costs’.

These views are coupled by the difficulty to measure (different degrees of) effectiveness. In terms of ‘problem solving’, it can be measured by looking at progress made towards resolving the problem identified by the creator of the regime. Specifically, it ‘can then be measured as the relative distance that the actual performance has moved from the no-regime counterfactual [the hypothetical state of affairs that would have occurred if the regime did not exist] toward the collective optimum [the perfect solution that could have been accomplished] or the percentage of the regime potential that has been achieved’ (Helm and Sprinz, 2000: 636). Thus the effectiveness of a regime is measured either by comparing the no-regime counterfactual to actual performance, or the actual performance to a collective optimum (Underdal, 1992; Helm and Sprinz, 2000; Hovi et al., 2003; Mitchell, 2008).

However, this line of thinking poses some problems. First of all, focus so far has been mostly on environmental policy, and thus it is uncertain whether lessons can travel to other areas. In particular, the tangible and observable metrics in this area (e.g. emission of pollutants) may not exist in other areas. Still, it could be applied to cases in which it is possible to estimate a degree of improvement, for instance lowered casualties in case of conflicts or enhanced economic growth (Gutner and Thompson, 2010). Moreover, existing literature has sought to test the existence of some causal relationship between the regime

and any improvement in the issue at stake, yet such enterprise often tend to be vacuous as numerous factors generally contribute to obtaining the change, and not necessarily the existing of the regime itself (Underdal, 1992; Bernauer, 1995; Young and Leavy, 1999; Dombrowsky, 2007; Andresen, 2007).

In contrast, from a ‘goal attainment’ perspective, the crucial matter is the achievement of the goals. Effectiveness, however, is not a dichotomous thing – that is, the EU, or any other actor, is not either effective or ineffective. Rather, effectiveness is a matter of degree, contemplating the extent to which the EU, or any other actor, can achieve its objectives; thus, it should be measured along a continuum, ranging from low to high through medium (Gutner and Thompson, 2010; Conceição-Heldt and Meunier, 2014).

Inevitably, any measurement of effectiveness means ‘comparing something’ – that is, assessing stated objectives against actual achievements (Underdal, 1992; 2004; Young, 2001). This is a difficult endeavour because, besides stated objectives, there may be unstated or hidden objectives, particularly during difficult negotiations (Stokke, 2007). Also in this case, however, there are problems of causality: for instance, when any goal is met, how can this be attributed to the actor itself and not to other factors or actors, or just plain luck (Smith, 2010a; Jørgensen et al., 2011)?

Measuring effectiveness in the case of the EU is particularly difficult due its nature as an actor – and that is the reason to distinguish internal effectiveness from external effectiveness.<sup>7</sup> First of all, it is crucial to clearly identify the EU’s objectives. Stated objectives may be found in various official documents, such as Council conclusions, statements by the EU High Representative or the EU Presidency speaking on behalf of the EU. Objectives, especially in sensitive negotiations, are not always made public: in this case, an astute use of different sources, as highlighted in the previous chapter, may help gain a sense of the positions of different actors and the goals they seek to pursue. Second, the degree of EU external effectiveness can be measured by comparing and matching the identified goals and the extent to which they have been met.

Although it is difficult to exactly quantify the degree of EU external effectiveness, it is possible, at least, to distinguish between low, medium and high levels (Oberthür and Groen, 2015). In general terms, it can be argued that the more it manages to achieve its goals, the higher the EU is externally effective. In this regard, it will have achieved a high degree of external effectiveness if most of its key objectives are obtained. If some of its

goals are met, its degree of external effectiveness is to be considered as medium: this happens when the EU fails to achieve a majority of its objectives or its far-reaching goals, but it achieves some of them, in particular in situations in which the negotiations towards far-reaching goals are ongoing. A low degree of external effectiveness arises only when a few of the EU's objectives are met. It is also worth noting that other actors may share the same objectives as the EU, and therefore they may help the EU to achieve its objectives; yet, this does not affect the measurement of EU external effectiveness.

It may also happen that the EU's objectives are met regardless of its effort to achieve them. For this reason, this study investigates the correlation between internal and external effectiveness, arguing that internal effectiveness logically precedes external effectiveness, but at the same time internal effectiveness does not automatically translate into external effectiveness. This study, thus, explores the impact of the external context on the EU's ability to achieve its objectives and by doing so, it seeks to provide reasons why the EU is (un)able to attain its objectives, identify a link between EU stated objectives and outcomes and explain the variation of the EU's external effectiveness, as well as distinguish between what the EU says, does and achieves in international affairs.

## **2. Understanding EU internal effectiveness**

The conceptualisation of the EU's capacity to act is complicated by the fact that mainstream International Relations studies have assumed that nation-states are the main actors in the international arena: in fact, the EU is not a state nor does it possess state-like characteristics (Smith, 2002; White, 2004; Ginsberg and Smith, 2007; Andreatta, 2011). Since the 1970s, the concept of actorness has been used as a way to conceptualise the EU's role and capacity to act in international affairs, without relying on traditional criteria based on statehood and rationality. It has since attracted increasing scholarly attention and has been further elaborated (Allen and Smith, 1990; Hill, 1993; Jupille and Caporaso, 1998; Bretherton and Vogler, 2006). Scholars have however used various terms to conceptualise the EU's capacity to act, such as 'internal effectiveness' (Laatikainen and Smith, 2006; Smith, 2010b), 'unity' (Van Schaik, 2013), 'actorness' (Niemann and Bretherton, 2013), or 'internal cohesiveness' (Conceição-Heldt and Meunier, 2014), and have employed different variables to assess the EU's capacity to act and to have an effect in world affairs.

Investigating EU internal effectiveness is complicated by the fact that the EU has legal competence in some policy fields such as trade (characterised by supranationalism), but no or limited competence in others (characterised by intergovernmentalism). The general claim is that the EU's capacity to act would be enhanced by more supranationalism and diminished by more intergovernmentalism (Groenleer and Van Schaik, 2007; Van Schaik, 2013; Conceição-Heldt and Meunier, 2014). This view has led some authors to argue that in the field of foreign policy, the EU is and will remain little more than the sum of its parts because of the intergovernmental status of this policy field (Wagner, 2003). Nevertheless, the link between the EU's supranational policy-making process and its ability to act in international politics is not certain (Laatikainen and Smith, 2006; Carbone, 2013).

The earliest attempt to systematically analyse the EU's international actor capability was done by Gunnar Sjöstedt. For Sjöstedt (1977: 16), actorness refers to the 'capacity to behave actively and deliberately in relations to other actors in the international system'. In his view, the central element for EU actor-capability is autonomy – that is, a degree of separateness of the EU from its MSs and its external environment, as well as possession of structural perquisites, such as a community of interests, a system for mobilising resources, controlling resources for community action and crisis management, articulating goals, and a network of external agents and external channels of communication (Sjöstedt, 1977). These prerequisites, however, are more state-like characteristics, suggesting that increased EU actorness is associated with supranationalism and diminished with intergovernmentalism. This approach, therefore, could be applied to EU external action in general but not necessarily to foreign policy (Niemann and Bretherton, 2013).

Another influential approach is that proposed by Jupille and Caporaso (1998: 214), who argued that EU actor capability in global affairs is built on four main criteria: recognition, understood as acceptance of and interaction with the EU by other actors; authority, referring to the EU's legal competence to act; autonomy, conceived as the EU's distinctiveness and independence from other actors; and cohesion, denoting the extent of the EU's ability to formulate and articulate internally consistent policy preferences. These criteria are not absolute, suggesting therefore that actorness is a matter of degree. This framework has been widely used, though it has also been criticised as the four criteria are seen as lacking precision, being too complex given that each criterion contains several sub-criteria and thus difficult to operationalise and apply to specific cases (Groen and Niemann, 2012; Thomas, 2012; Brattberg and Rhinard, 2013; Nieman and Bretherton, 2013).

For Bretherton and Vogler (2006), in their widely cited study of the role of the EU as a global actor, the EU's capacity to act in global affairs is determined by its ability to behave actively and deliberately and to exert influence, measured in terms of three interrelated and broad criteria: presence (which denotes the EU's ability to exert influence, by virtue of its existence, beyond its borders); opportunity (which refers to the external or structural context – that is, the ideas and factors in the external environment which enable or constrain the EU's action); and capability (which takes into account the internal context of EU action – that is, the availability of policy instruments and the ability of the EU to utilise them in response to opportunity and external expectations). Also in this case, some criticism are in order: the three interrelated variables are broad concepts and remain rather vague, thus making operationalisation very problematic (Thomas, 2012; Conceição-Heldt and Meunier, 2014).<sup>8</sup>

Drawing upon Jupille and Caporaso (1998) and, more recently Conceição-Heldt and Meunier (2014), this study considers the EU's capacity to act in international affairs in relation to its possession of three important features: autonomy, coherence, and recognition. These criteria will provide us with a beneficial yardstick to investigate EU external effectiveness, assuming 'there needs to be a certain capacity to behave actively and deliberately in order to enable the EU to [externally] act effectively' (Groen and Niemann, 2013: 311). The existing literature has often considered formal authority (or legal competence) as an essential, if not necessary, condition for internal effectiveness; consequently, the EU has been seen as particularly effective in cases of exclusive competence, whereas in cases of no competence, it has been seen as having little influence, specifically in foreign policy, where it is believed to be able to only co-ordinate and support the positions of the MSs (Conceição-Heldt and Meunier, 2014). Challenging these views, this study will demonstrate that the absence of legal competence or a low degree of authority can go hand in hand with a high degree of internal – as well as external – effectiveness.

Importantly, in this study, the EU's internal effectiveness is measured along a continuum ranging from low, medium to high. Thus, internal effectiveness is high when the EU acts autonomously and coherently, as well as when it is recognised by other international actors. Medium internal effectiveness is achieved where one of the criteria is missing. EU internal effectiveness is low when more than one criterion is missing. It is central to note that these criteria are interrelated – that is, the EU cannot be highly effective if all these criteria, to a large degree, are not met.



## ***Autonomy***

Autonomy has long been considered a basic prerequisite for the existence of an international actor. It implies a degree of distinctiveness, which in the case of the EU refers to its institutional separateness from the MSs and the external context as well as its independence, which refers to the EU's discretionary goal formation, decision-making and implementation of those goals (Sjöstedt, 1977; Jupille and Caporaso, 1998). The EU should be able to formulate its own goals and policies, express its specific identity (Sjöstedt, 1977) and conduct a range of actions independently of those pursued by its MSs (Groenleer and Van Schaik, 2007; Carbone, 2013). Without such independence, it would be difficult to attribute the achieved goals to the EU rather than its constituent parts.

Autonomy requires an adequate degree of governance resources, so as to allow the EU to purposefully behave in the international arena (Gehring et al., 2013). It also entails the fact that an EU representative actually represents the whole EU, with the aim of making it greater than the sum of its parts (Woolcock, 2010). Specifically, in foreign policy, this may be the case of the EU HR, the Presidency, one or more MSs, speaking and negotiating on behalf of all Member States (Meunier, 2000; Gronleer and Van Schaik, 2007).

## ***Coherence***

Coherence, according to the Oxford English Dictionary, denotes 'the action or fact of sticking together and remaining united in arguments' or the fact that the whole 'hangs together' (Simpson and Weiner, 1989: 449). The existing literature in the area of European integration and external relations has employed different terms to refer, broadly, to the same issue, such as consistency, cohesion, coherence and unity (Gauttier, 2004; Nuttall, 2001; 2005; Smith M., 2001; Carbone, 2008; Gebhard, 2011).<sup>9</sup> In general, coherence is seen as 'the ability of the EU to represent itself as a unitary actor, acting upon a collectively decided position which is formally and informally supported by the EU Member States and the European Commission' (Van Schaik, 2013: 6). Other scholars have mentioned the degree of internal coordination among the MSs (Gebhard, 2011) and their willingness to stay in the group (Conceição-Heldt and Meunier, 2014). For Conceição-Heldt and Meunier (2014: 964), the ability of the EU MSs to come up with a single message should be followed by the EU's ability to manage 'to present that message with a

single voice, without members of the group breaking away and undermining the collective message’.

Thomas (2012: 458) defines coherence as ‘the adoption of determinate common policies and the pursuit of those policies by EU Members States and institutions’. Thus, in his view, there are two important dimensions of coherence: first, policy determinacy, which looks at how clearly the EU articulates its policy goals and how narrowly it specifies the behaviour incumbent upon EU MSs and institutions in order to attain those objectives; and second, political cohesion, which reflects how fully EU actors support whatever common policy has been agreed upon (Thomas, 2012).

Drawing on this debate, this study accepts that coherence consists of, first, the EU’s ability to formulate a common position clearly articulating its goals and second, the pursuance of this common position by its constituting parts. The EU might be able to formulate a common position and articulate specific goals, but the lack of full support from MSs might still challenge its coherence.<sup>10</sup>

EU coherence has often been associated to legal aspects of the decision-making rules of exclusive, shared and no competences. The general claim has been that the more supranational the EU policy-making process is, the higher the likelihood of EU coherence to increase and its international capacity to act, such as in the case of trade governance. Conversely, the less supranational, or the more intergovernmental, the EU decision-making process is, the lower the likelihood of its internal effectiveness to occur (De Jong and Schunz, 2012). However, although it is likely that EU competence positively influences EU unity, this correlation is not automatic, since it does not explain situations in which the EU has still been able to operate successfully in international negotiations despite lacking exclusive competence: for instance Groenleer and Van Schaik (2007: 991), in their study of EU actorness in the cases of the International Criminal Court (ICC) and the Kyoto Protocol, have demonstrated that the EU was able to formulate an ambitious common position (see also Laatikainen and Smith, 2006; Van Schaik, 2013; Carbone, 2013).

## ***Recognition***

Recognition refers to the acceptance of and interaction with the EU as an actor by other players in international politics (Jupille and Caporaso, 1998). This enables the EU to

initiate contact and communicate with other actors, be present in global politics, project its own values and interests, and exert influence (Allen and Smith, 1990; Groenleer and Van Schaik, 2007; Brattberg and Rhinard, 2013).

Recognition may be either *de jure* or *de facto*. *De jure* recognition is a main component of sovereignty and is therefore automatically conferred on states, either through diplomatic recognition under international law or formal membership in an international organisation (Miller, 1986; Jupille and Caporaso, 1998; Conceição-Heldt and Meunier, 2014). Clearly the EU is not a state and thus it is not automatically recognised in the international system. *De facto* recognition, particularly of the EU, does not result from formal recognition but from its instrumentality for other states and from the sociality of global politics (Jupille and Caporaso, 1998). This recognition relates to perceptions of the EU, namely how legitimate an actor is in the eye of others in the international arena (Brattberg and Rhinard, 2012). Therefore, it is granted when other actors decide to interact with the EU and thus implicitly recognise it as an international actor (Jupille and Caporaso, 1998).

Despite not possessing *de jure* recognition, the EU has widely interacted with, and been recognised by, other actors. It has been involved in and performed important functions in international politics, even more than states, as a leading actor in various external areas, in particular trade (Falkner, 2007; Young, 2011; Elsig, 2013; Conceição-Heldt, 2014), environment (Gupta and Grubb, 2000; Burchell and Lightfoot, 2004; Vogler, 2005; Bretherton and Vogler, 2006; Oberthür and Kelly, 2008; Wurzel and Connelly, 2010), development and humanitarian policies (Brattberg and Rhinard, 2012; 2013; Carbone, 2013; Lightfoot and Kim, 2017). Clearly, the EU's *de facto* recognition does not undermine its ability to be an externally effective actor. For instance, its observer status in the United Nations General Assembly (UNGA) does not hinder its ability to promote its objectives (Panke, 2013; 2014). Although the EU has no *de jure* recognition in relation to UNGA negotiations, its MSs have often developed common negotiation stances for UNGA resolutions and in some cases enabled EU to achieve its objectives (Panke, 2014).

Hence, it can be safely stated that the EU is recognised as a relevant actor within international organisations and by third parties as a result of its actor capability in the relevant governance area rather than its formal membership (Gehring et al., 2013). Importantly, for the EU to be an effective international actor, a range of relevant actors must accept and recognise it as an actor, including the targets of EU action – in fact, so far

the existing literature has focused only on recognition by international actors in multilateral negotiations (that is, major states and international organisations).

### 3. Linking internal and external effectiveness

It is often assumed among EU policy-makers or within EU institutions that the EU can be stronger and more capable of effectively tackling international challenges and achieve its objectives if it is internally effective (European Commission, 2006; Council of the EU, 2000, 2003i; 2006d; 2016; European Council, 2010a; 2014). In fact, creating a more internally and externally effective actor and strengthening the role of the EU in the international arena has been one of the motivations for various institutional reforms over the past three decades. The Treaty of Maastricht, first, and, more recently, the Treaty of Lisbon have introduced important changes with the intention of enhancing co-ordination between the EU constituent parts, as well as maximise the EU's influence on the international scene (De Jong and Schunz, 2012; Edwards, 2013). Former EU HR Catherine Ashton stated that the main purpose of the Lisbon Treaty 'was to address the two points where we collectively were under-performing: to promote more unity amongst EU Member States so that we have the necessary political weight; secondly, to forge more integrated strategies, so that we are more effective on the ground' (Ashton, 2010). In this sense, the newly created EEAS aimed to 'enable greater coherence and efficiency in the EU's external action and increase its political and economic influence in the world' (Council of the EU, 2010a).

Similarly, among academics a prevailing view is that a positive relationship exists between internal and external effectiveness: 'by acting unitarily and with a common purpose, the EU ... also becomes ipso facto more efficient and effective' (Missiroli, 2001b: 82). Thus, EU internal effectiveness is believed to enhance EU 'influence' (Smith, 2006; Rhinard and Kaeding, 2006; Whitman, 2010; Groen and Niemann, 2012; 2013), 'success' (Falkner, 2007; Parker and Karlsson, 2010), 'performance' (Jørgensen et al., 2011; Dee, 2013), 'leadership' (Oberthür and Kelly, 2008), 'bargaining power' (Meunier, 2000).

Importantly, various scholars have started to challenge the causal links between EU internal and external effectiveness (Thomas, 2012; Niemann and Bretherton, 2013; Carbone, 2013; Gehring et al., 2013; Conceição-Heldt and Meunier, 2014), arguing that, at best, the relationship between the two is probabilistic rather than deterministic (Thomas,

2012; Carbone, 2013). More recent empirical contributions have pointed to three different possibilities: first, EU internal effectiveness has a positive impact on its external effectiveness; second, EU internal effectiveness has no impact on its external effectiveness; and third, EU internal effectiveness has a negative impact on its external effectiveness (Thomas, 2012; Conceição-Heldt and Meunier, 2014; Carbone, forthcoming).

To begin, the positive link between internal and external effectiveness assumes that by being internally effective, the EU can be also an effective external actor (Missiroli, 2001a: 5). Accordingly, the more the EU has internal effectiveness, the more likely it is to achieve its goals on the international arena; and the less the EU is internally effective, the less likely it is to be an externally effective actor (Conceição-Heldt and Meunier, 2014: 969). For instance, Van Schaik (2013) has concluded that, in the case of international food standards negotiations, more EU internal effectiveness translated into more external effectiveness. Likewise, Romanyshyn (2015) has contended that the high level of institutional co-ordination and MSs' convergence facilitated the EU's external effectiveness in the Arms Trade Treaty negotiations.

It may also be possible that internal effectiveness has no impact on the EU's ability to attain its goals, particularly in foreign policy. Karen Smith (2010b), for instance, has argued that although the EU acted cohesively and spoke with one voice at the Human Rights Council, its influence was still quite limited. Similarly, Thomas (2012), in his study of the EU's support for the ICC, has found that despite the fact that the EU exhibited considerable coherence in its response to the US's campaign for the ICC's 'non-surrender agreements', it had little observable positive effect and therefore failed to shape the behaviour of other states. Along the same line, Panke (2014), in her study on the EU's attempts to exert influence over the United Nations General Assembly resolutions, and Conceição-Heldt (2014) in her research on global trade governance, have also demonstrated that internal effectiveness did not turn the EU into an effective external actor.

At the other extreme, it has been argued that EU internal effectiveness can be even counterproductive for the EU's ability to achieve its objectives. It may provoke negative reactions from third parties (Carbone, 2013), who might be irritated by a united and strong EU and might strengthen their opposition (Van Schaik, 2013). Reducing many EU voices to one may thus 'diminish the EU's influence: in a room full of delegates hostile to human rights, more voices might be better, and certainly better than a weak presidency's voice' (Smith, 2006: 132-133).

In sum, greater internal effectiveness may be necessary, but it is not a sufficient condition for the EU to be an externally effective actor, particularly in a multi-centric world order where many competitive actors do not share the EU's collective policy preferences and are ready to deploy powerful resources to pursue their objectives (Thomas, 2012). External effectiveness analysis is context-dependent, so it is necessary to take into account the external context when analysing the correlation between the EU's capacity to act and its ability to achieve its objectives in world affairs.

#### **4. Understanding EU external effectiveness**

Despite its significance, only recently have scholars started to comprehensively examine the impact of the external context on the EU's external effectiveness (Meunier, 2000; Elgström and Stömvik, 2003; Van Schaik, 2013; Niemann and Bretherton, 2013; Conceição-Heldt and Meunier, 2014). Their focus, nevertheless, has been on explaining EU external effectiveness in multilateral negotiations or within international organisations. These contributions are certainly useful, yet the context in which the EU operates when it engages with one specific country generates dynamics which are different from those generated in multilateral negotiations or within international organisations. Moreover, unravelling the behaviour of the targets of EU actions is of particular importance as the EU's potential to act effectively in the international arena is not only shaped by its internal actor-capabilities or/and the negotiation environment, but also by the perceptions of its role held by third parties and their response to EU policies (Chaban et al., 2006; Elgström, 2007; Lucarelli and Fioramonti, 2008).

Two important strands of the literature on the EU are of help in examining the impact of the external context on the EU's external effectiveness vis-à-vis third countries. First, the literature on enlargement has demonstrated that the EU was effective in bringing Central and Eastern European Countries (CEECs) to comply with the EU demands, largely because of the membership incentives and conditionality (Grabbe, 2003; Moravcsik and Vachudova, 2003; Vachudova, 2005; Schimmelfennig and Sedelmeier, 2005; Sedelmeier, 2006; Schimmelfennig, 2006; 2007; Schimmelfennig and Scholtz, 2008; Anastasakis, 2008; Börzel, 2010). Second, the literature on external governance has acknowledged that economic interdependence between the EU and third countries, the domestic structures of third countries and the existence of competing actors support or undermine the EU's ability

to achieve its goals (Lavenex and Schimmelfennig, 2009; Dimitrova, and Dragneva, 2009; Langbein, 2011; 2013).

Starting from different premises, but contributing to the existing literature, this study introduces three crucial factors that make the external context more or less favourable to the EU's attempts to attain its objectives vis-à-vis third countries: the negotiating position of other international actors, whether they collaborate or compete with the EU; the behaviour of the target country, whether it is collaborative or resistant; and, the EU's negotiating style, whether it is cooperative or coercive. In a nutshell, it is argued here that if the external context is favourable, it is more likely that the EU achieves its objectives. Conversely, if the external context is unfavourable, the EU's would be less likely to be externally effective. To ascertain whether the external context is favourable or unfavourable, this thesis identifies the presence or absence of several factors as increasing or reducing the likelihood of the EU external effectiveness, thus suggesting that no single external factor can be regarded as sufficient per se for the EU's external effectiveness to occur. These external factors, moreover, are interrelated. For instance, the EU is not expected to be very effective externally when its position and the position of other actors, the US in most cases, are aligned but the target country refuses to cooperate. Similarly, the EU cannot have a high degree of external effectiveness when the target country is willing to cooperate but other international actors propose alternative solutions.

### ***Position of other actors***

Whether EU internal effectiveness translates into external effectiveness is significantly affected by the position of other relevant actors in relation to the EU's objectives (Dimitrova and Dragneva, 2009; Lavenex and Schimmelfennig, 2009 Conceição-Heldt, 2014). Considering its role in world affairs, the US (and consequently transatlantic cooperation) is expected to have significant implications for the EU's external effectiveness. Accordingly, it is expected that when relevant actors, again the US, take a stance which is significantly at odds with that of the EU, the EU's external effectiveness would be most likely low. In contrast, EU external effectiveness is more likely to be high when the position of relevant actors is aligned with the EU's objectives or at least does not openly challenge them.

Recent literature has highlighted how the EU's influence in multilateral negotiations has been contested by the changing balance of power, even in domains in which the EU has been a leading actor such as trade and climate change. For instance, the EU was sidelined at the 15th Conference of the Parties of the United Nations Framework Convention on Climate Change meeting in Copenhagen in December 2009, when the US decided to team-up with the BASIC group (Brazil, South Africa, India and China), undermining the EU's efforts for an ambitious and binding agreement (Van Schaik and Schunz, 2012; Bretherton and Vogler, 2013; Groen and Niemann, 2013; Nielsen, 2013). Similarly, the EU has failed to shape the multilateral trading system in the context of the Doha Development Round following the emergence of new powers that have been hostile to the EU's agenda of extending the rules-based system – notably Brazil, China and India (Young, 2011; Conceição-Held, 2014).

Of particular importance for this study is the role of the US. The EU and the US have been strategic partners and have cooperated in various domains, particularly in security and defence. This close transatlantic relationship has been a major factor of stability in global politics and international security (Smith, 1998; Hyde-Price, 2002; Jones, 2004; Ochs and Schaper, 2005). However, relations between the EU and the US also encompass complexity and diversity and at times can be characterised more in terms of competitive cooperation rather than mere cooperation (Sbragia, 2010).<sup>11</sup> Transatlantic cooperation, in particular, was severely damaged during the presidency of George W. Bush in the 2000s, who increasingly pursued a unilateralist approach in many policy areas – though relations with the EU improved during his second term (Cox, 2003; Pollack, 2003; Desbordes, 2003; Peterson and Pollack, 2003; Dunn, 2009). Significant changes occurred under President Barack Obama, whose administration increasingly sought to strengthen cooperation with the EU (Zaborowski, 2011; Nielsen, 2013; Nguyen, 2016).

Importantly, the EU and the US have differed on how to deal with defiant states, such as Iran. For the EU, engagement and preservation of commercial and diplomatic contacts are generally critical in maintaining leverage over these types of countries. For the US, defiant states should be economically and politically isolated, or even attacked militarily if needed. These two perspectives have not only created tensions on various occasions between the two, but have also been seen as a key factor enhancing or undermining their ability to bring third countries to comply with their demands (Haass and O'Sullivan, 2000; Mix, 2011). The conclusion is that the two can be expected to accomplish much more and be more effective when they cooperate: in the opposite case, neither isolation of (and sanctions to)



nor engagement with (and incentives to) defiant states would be very effective. In fact, any signal of a transatlantic rift would likely provide third countries with space to manoeuvre and get what they want.

### ***Behaviour of the target country***

EU external effectiveness may be significantly affected by the behaviour of the country which is the target of EU action (Carbone, 2013; Börzel and van Hüllen, 2014). Policy-makers in the target country may be more or less responsive to exogenous pressures (Bowen and Brewer, 2011; Portela, 2014). Substantial and guaranteed rewards are necessary to motivate them to undertake reforms and fulfil external demands (Franke et al., 2010). By cooperating with the EU, a third country aims either to secure political or/and economic rewards or avoid punishment in the case of non-compliance. Furthermore, when the EU leverage in relation to the target country is weak, it is less likely that its conditions will be complied with (Langbein, 2011). Nevertheless, the less ambiguous access to, and the more promising possession of, the EU incentives is tied to its policy objectives, the more likely it is that the target country would comply with the EU's demands (Langbein and Wolczuk, 2012). That said – and noting that these points will be further discussed in the section on the EU's negotiating style – the willingness of the target country to constructively engage with the EU, and when necessary to make concessions, depends on a range of factors, most notably: asymmetric inter-dependence; existence of credible alternatives; salience of the issue at stake.

*Asymmetric inter-dependence.* Different patterns of inter-dependence between third countries and the EU present different levels of constraints to EU effectiveness (Dimitrova and Dragneva, 2009).<sup>12</sup> Clearly, the economic and political power of the EU makes its interactions with third countries rather asymmetric (Börzel, 2010). When the target country is highly dependent on the EU, its room of manoeuvre is limited and, consequently, it is more likely that it would cooperate with the EU demands and make concessions during negotiations, not least to reap the benefits of compliance and avoid the potential costs arising from non-compliance (Koehane and Nye, 1989; Kotzian et al., 2011; Ademmer and Börzel, 2013). This, evidently, was the case of the EU's accession process when substantial incentives facilitated the alignment of CEECs to EU rules (Moravcsik and Vachudova, 2003; Grabbe, 2003; Kahraman, 2005; Sedelmeier, 2006; 2008; Anastasakis, 2008; Schimmelfennig and Scholtz, 2008; Börzel, 2010; Gawrich et al., 2010).<sup>13</sup> Another

example in which the EU demonstrated high external effectiveness in its bilateral trade negotiations with Mexico, mainly because of asymmetrical inter-dependence, characterised by the EU's low market reliance on Mexico (Conceição-Held, 2014).

Conversely, the target country may wish to exploit any potential dependence of the EU – such as for instance when it represents an important export market for some EU Member State or disposes of crucial commodities such as gas, energy or other minerals – to increase its room of manoeuvre (Langbein and Börzel, 2013; Börzel and Hackenesch, 2013). In the absence of incentives or when the EU has no leverage of credible punitive measures, the target country would very likely seek to engage selectively in cooperation with the EU, depending on its political agenda. In this context, the target country would be more resistant to change behaviour or bow to the EU demands – and therefore the EU's chances to achieve its objectives would be lowered (Lavenex and Schimmelfennig, 2009; Kotzian et al., 2011; Conceição-Held, 2014).

*Credible alternatives.* The behaviour of the target country is also significantly affected by the existence of credible alternatives to the approach proposed by the EU. When the EU is not 'the only game in town', the target country would more likely be less flexible, resist the required demands, be able to cherry-pick and even abuse EU demands for policy change (Ademmer and Börzel, 2013; Portela, 2014). The target country would be more resistant in particular when it is offered political and economic incentives by other actors without any conditions or sticks attached (Kotzian et al., 2011). Scholars of the European Neighbourhood Policy (ENP) have argued that the EU's Eastern neighbours were not so eager to respond positively to EU external governance mainly because their economic dependence on Russia in terms of investments and trade was high (Dimitrova and Dragneva, 2009; Popescu and Wilson, 2009; Lavenex and Schimmelfennig, 2009; Langbein, 2013; Ademmer, 2015).<sup>14</sup>

A case in point is that of sanctions. In such situations, support from all relevant international actors is necessary to enable the punitive measures to achieve their intended objectives. When the target country does not have credible alternatives, the impact of the EU's restrictive measures are boosted (Blockmans and Waizer, 2013). Importantly, the existence of other states acting as alternative trade partners for the target country has been cited as the most frequent cause hindering the effectiveness of restrictive measures (Jentleson, 2007; Langbein, 2013; Langbein and Börzel, 2013). It should be also noted that

the willingness of the target country's political leaderships to reduce the protracted isolation of their country may also enable the effectiveness of specific policy objectives.

*Issue salience.* There may be situations in which, even if it is strongly dependent on the EU and/or it lacks credible alternatives, the target country may still be unresponsive to EU pressures. This occurs when the EU's objectives infringe on what is considered a vital interest of the target country: the salience of the issue under dispute to the third country does matter (George, 1991; Lacy and Niou, 2004; Ang and Peksen, 2007). Specifically, if the outcome of the negotiations entail costs in sovereignty, prestige, national identity and security, reputation or self-respect, the target country would unlikely comply with external demands, in particular if that has the potential to play an important role in the election process (McKebben, 2010; Cheraghlou, 2015). The salience of the issue would likely lead representatives of the target country to present themselves as highly inflexible in the negotiations and most likely increase resistance to external pressures (Ang and Peksen, 2007).

Reaching an agreement then is only possible when the solution is (presented) as mutually beneficial (McKibben, 2010): in bringing the country to comply with the required demands, the political cost should then be balanced by substantial incentives such as military protection or economic assistance to improve the security and the welfare of the state (Schimmelfennig and Scholtz, 2008). Importantly, in some cases the imposition of restrictive measures may even be counterproductive: if external demands are considered excessive not only by political leaders but also by public opinion, the latter would likely support the government in resisting external pressures; in turn, the government would develop a more confrontational approach (Ang and Peksen, 2007; Sauer, 2007a; Davies, 2012; Blockmans and Waizer, 2013). In fact, nationalism often makes states and public opinion more willing to endure the consequences of punishment rather than sacrificing their national interests (Pape, 1997).

### ***EU negotiating style***

The degree of compatibility between the preferences and interests of the target country and the EU policy objectives influences and increases the potential for the EU's external effectiveness to occur. In this sense, the choice of the negotiating style by the EU does have an impact on the response of the target countries and thus on the EU's ability to attain

its objectives. When the EU engages in ‘coercive diplomacy’ – that is, threatening and/or imposing restrictive measures without addressing the concerns of the target country – the likelihood of its external effectiveness is lowered. Conversely, chances of high external effectiveness are much higher when the EU engages in ‘cooperative diplomacy’ – that is, making concessions to the target country with the aim of reaching an optimal compromise.

Coercive diplomacy has long been used towards defiant states as an alternative to war as it has the potential to achieve the gains associated with military victory without any of the costs (George, 1971a; Pape, 1997; Davies, 2012). The idea of coercive diplomacy ‘is to back one’s demand on an adversary with a threat of punishment for noncompliance that he will consider credible and potent enough to persuade him to comply with the demand’ (George, 1991: 4). Coercive diplomacy thus entails the threat and/or the imposition of restrictive measures, but it might also include conditional inducements of a positive behaviour on the part of the third country (George, 1991). Sanctions constitute one of the most frequently used foreign policy tools to induce change (Oskarsson, 2012). The EU, in particular, has increasingly relied on the use of restrictive measures in its external actions over the last three decades (Portela, 2010; Giumelli and Ivan, 2013).

The effectiveness of coercive diplomacy is ‘context-dependent’ – that is, different contextual factors in each specific case can affect the variation of it, its implementation and its outcome (George, 1991). It certainly depends on the target country’s willingness to comply (Jentleson, 2006), including the magnitude of the demand made by the coercing power (George, 1971b). It also depends on the costs that can be imposed on target countries in case of non-compliance and the benefits that can be offered in case of compliance (Jentleson, 2006; Portela, 2014). To reduce resistance and thus to be effective, the EU may attach some conditions<sup>15</sup> which however need to be credible – that is, they must be accompanied by credible penalties in the case of non-compliance and credible incentives in case of compliance (Haass and O’Sullivan, 2000; Schimmelfennig and Scholtz, 2008). Although EU conditionality has often been described as ‘positive’ – that is, is based on incentives rather than punishment (Youngs, 2001) – the credibility of threats and punishments is also necessary, though not sufficient, for enhanced effectiveness (Tocha, 2009). If the target country is a resourceful one, in economic and political terms, the EU might be less likely to use sticks and sanction that country, and if it does so, sanctions would be specific, aiming at the political and economic elites rather than the broader economy of the country.

Coercive measures, generally, are assumed to be effective when they stigmatise the leaders of the target country (Portela, 2010) or when they inflict actual economic damage to the country (George, 1971b) so as to bring domestic pressure to overthrow the regime or bring it to yield to the demands of the initiating states (Allen, 2008; Portela, 2010). However, there is no automatic link between – and empirical evidence on – the effectiveness of punitive measures and changes in the behaviour of the target country (Allen, 2008; Portela, 2010). Rather, different examples of coercive policy vis-à-vis target countries, such as Iraq, North Korea, Haiti, Laos, and former Yugoslavia, highlight the ineffectiveness of sanctions to bring about change in the country's behaviour; and in some cases, military action has been used as well (George and Simons, 1971; George, 1991; Pape, 1997; Rose, 2005; Drezner, 2011).<sup>16</sup>

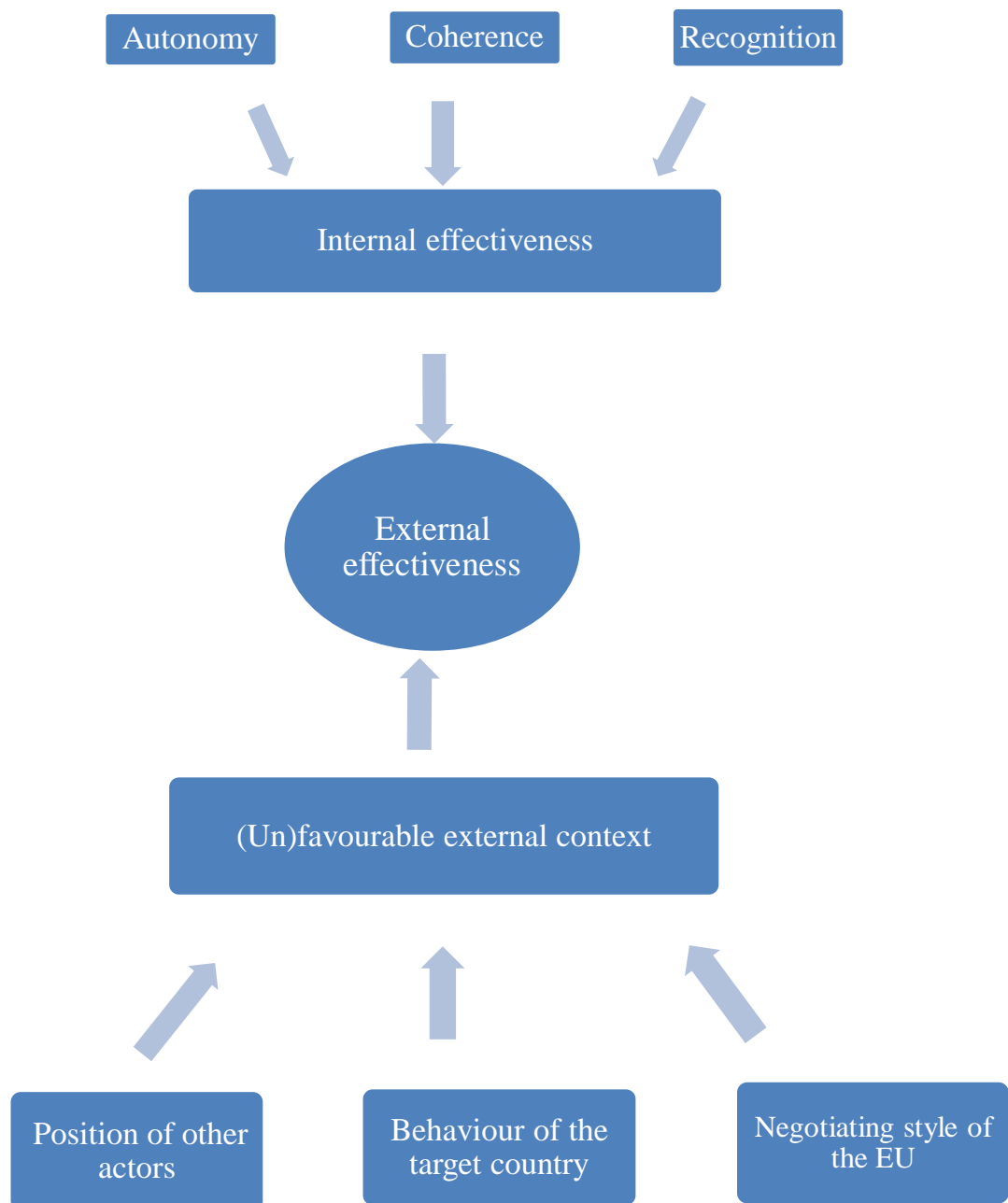
In this sense, as cogently argued by Rose (2005), coercive policy is not expected to achieve much when it is unconditional – that is, when it demands full concession from target countries as the price for easing restrictive measures without addressing their concerns. This approach would unlikely be effective if the target country is not convinced that it is in its best interest to comply with exogenous pressures (Jentleson, 1971). Thus, a decisive factor is reciprocity, which involves establishing linkages between the carrots offered and the concessions made, hence building trust (Jentleson and Whytock, 2005/2006; Jentleson, 2006; 2007). Unsurprisingly, diplomatic efforts are more likely to be successful when they involve a big carrot that defuses the target country's reasons to resist external pressures (George, 1991).

When coercive policy depends heavily on restrictive measures, with little or even no incentives or concessions (Rose, 2005), it is generally considered ineffective to change the behaviour of the target country (Oskarsson, 2012), in particular, when their leaders perceive these measures as attempts to change the regime (Borszik, 2016). This approach – as shown earlier – can even have counterproductive effects and make the country more resistant: political leaders often exploit the idea of a 'foreign enemy' to spur internal political solidarity (Jentleson, 2007). An inflexible attitude on the part of the EU, refusing to make concessions or promoting a win-lose approach, is less likely to bring the target country to change its behaviour. In such a win-lose negotiating setting, the involving parties 'have strictly opposing interests' that push them to adopt conflictual strategies (McKebben, 2010: 697). Accordingly, it is difficult to find a common ground as the focus lies on self-interest and not on shared interests (Elgström and Jönsson, 2000). The zero-

sum strategy could then well result in more hostility between the two sides and more resisting behaviour from the target country (Rose, 2005).<sup>17</sup>

In contrast, cooperative diplomacy, based on mutual understanding and shared interests and a win-win strategy instead of a zero-sum strategy, is more likely to be effective and bring the country to adapt to external pressure. In such situations, each side is ready to make concessions to reach a mutually beneficial outcome (McKebben, 2010; Alam, 2011). Any actor, including the EU, would be ineffective if its proposal are not accompanied by concessions, such as lifting sanctions or addressing some of the central concerns of the target country (Rose, 2005). Conversely, when the EU engages in cooperative diplomacy and makes concessions to the target country, it is more likely to be externally effective.

**Figure 2.1. The EU in relation to third countries: internal effectiveness, contextual factors, external effectiveness**



Source: Author's own compilation

## Conclusion

This chapter, as visualised in Figure 2.1, has introduced a comprehensive theoretical framework with the view to understanding the possible variation of EU external effectiveness towards third countries. In making a comprehensive and systematic explanation of EU external effectiveness, this framework is set to explore both the correlation between internal and external effectiveness, and the impact of the external context on the EU's ability to attain its goals. The expectation is that (more) internal effectiveness is necessary, but not sufficient, for (more) external effectiveness: internal effectiveness does not automatically result in external effectiveness and there is no straightforward relationship between the two. Accordingly, it can be expected that a high degree of internal effectiveness can co-exist with a high, medium or low degree of external effectiveness. EU external effectiveness, moreover, is affected by the context in which the EU operates. Three factors are considered crucial: first, the position of other relevant actors, in particular the US, in relation to the EU position; second, the behaviour of the target country and its response to EU pressures; and third, the negotiating style used by the EU. Thus, if the external context is favourable to the EU – whereby the three factors above mentioned pull in the same direction – then internal effectiveness is more likely to translate into external effectiveness. Conversely, EU internal effectiveness is unlikely to translate into external effectiveness if the external context is unfavourable to the EU. The three empirical chapters that follow will use this framework to investigate the EU's action towards Iran between the early 1990s and the mid-2010s.



## Chapter 3

### First period (1992 - 2002): from critical to comprehensive dialogue

#### Introduction

During this period, while the EU pursued a conditional policy with Iran on a number of issues through a policy of critical and comprehensive dialogue, the nuclear issue was not a significant area of concern. The development of the EU's political and economic relations with Iran was conditional upon improvement of Iranian behaviour concerning various issue areas. These issue areas were mainly human rights and fundamental freedoms, terrorism and the fatwa against the British author Salman Rushdie, and, to a lesser extent, the non-proliferation issue. This period represented the beginning of first and formal relations between the EU and Iran and it was also characterised by a transatlantic division about how to deal with Iran.

The EU's policy of engagement and dialogue in 1992 represented a point of departure from the US after more than a decade of solidarity with the latter (Noi, 2005: 79). Unlike the US's policy of sanctioning and isolating Iran, the EU's policy was marked by a preference for engagement and dialogue. The EU's approach was based around the framework of communication and engagement with Iran. The EU sought to keep channels of communication open with Iran because they believed that it would enable a stronger chance of having some kind of effect (Pinto, 2001: 103).

The EU aimed to facilitate changes of behaviour regarding Iran's violations of human rights, in particular with regard to the freedom of expression and opinion, restriction on the freedom of religion, persecution of the minorities such as Baha'i, women's rights and other concerns raised by the UN resolutions (Council of the EU, 1993b). It also demanded from Iran a written assurance that it would not attempt to carry out a fatwa against Salman Rushdie, which the EU considered as null and void (Council of the EU, 1993c). Regarding Iran's alleged terrorist activities, the EU was mainly concerned about Iran's involvement in the assassinations of Iran's citizens,<sup>18</sup> who were political refugees and exiles in the European countries (Council of the EU, 1993d).

The beginning of the EU's policy of critical engagement with Iran in the early 1990s has inspired a number of scholars who have attempted to explain and evaluate both the EU's policy towards Iran and its ability to achieve its objectives. Their perspectives and findings were varied regarding both the effectiveness of the EU policy, as well as in relation to the causes that helped or undermined the EU to achieve its objectives. For instance, Rudolf (1999) attributed EU ineffectiveness to the lack of coordination between its MSs and the EU's incapacity to present a coherent approach. Reissner (2000) argued that although the EU critical dialogue was an important effort to change Iranian behaviour, it failed to achieve its goals mainly due to the EU's unwillingness to use its economic ties to exert leverage. Similarly, Noi (2005) argued that mainly due to the commercial attractiveness of Iran, the EU countries were not ready to sacrifice their interests for the EU's goals.

While considering EU critical dialogue a consistent policy to change Iranian behaviour, Struwe (1998) argued that the major weaknesses of this policy was the lack of restrictive measures and the lack of consensus among EU MSs. He also contended that very limited structural change in Iran's human rights policy was achieved. Carbonell (2004) and Kaussler (2008), while focused on EU-Iran human rights dialogue in 2002, also contended that this dialogue resulted in few changes in legislation and policies regarding the protection of human rights.

Other scholars have generally explored the different EU and US approaches towards Iran. Some studies mainly argued that the EU's policy of engagement and the US's policy of sanctions and isolation was the main source of tension and rift between the two transatlantic partners, in particular over the US's Iran and Libya Sanction Act (ILSA) or D'Amato Bill in 1996 (Ehteshami, 2001; Pinto, 2001; Sammoudi and Hatamzadeh, 2012). Taylor (2001) further argued that this division between the EU and the US was essentially of benefit to Iran as it enabled Iran to enhance its economic relations with the EU countries. According to Noi (2005), the EU abandoned transatlantic cooperation mainly due to the EU's economic interests with Iran.

These studies highlighted the importance of the EU's engagement with Iran and why it was initiated, with reference to some factors that influenced the EU's ability to reach its goals. Within the existing literature, however, one particular source of confusion in assessing the effectiveness of the EU has been the simplicity and the divergence of criteria used in making final judgements. Moreover, more attention has been given to external factors such as EU-US cooperation, while little attention has been given to the impact of EU internal

effectiveness on its external effectiveness. Thus, this chapter aims to contribute to this debate by providing a comprehensive analysis of the impact of EU internal effectiveness on its ability to reach its goals. It is argued that EU internal effectiveness is necessary for external effectiveness to occur. The chapter found that the EU demonstrated low internal effectiveness as it was not able to act autonomously and coherently, which translated into low external effectiveness as the EU failed to achieve most of its goals.

In order to present a more complete picture, this chapter is broken down into three main sections. In the first section, the start of the EU's policy of engagement and its ability to determine its role and objectives is examined. The second section is an analysis of the reasons critical dialogue in 1992 ended and failed to achieve its objectives. The third and final section is dedicated to explaining the comprehensive dialogue initiative in 1998 and expansion of economic ties with Iran.

## **1. Critical dialogue**

The early 1990s signalled the start of the first formal relations between the EU and Iran. During the period after the Islamic Revolution in 1979, the relationships between most of the EU MSs and Iran deteriorated (Noi, 2005: 83; Posch, 2013: 179). This was mainly due to the revolutionary regime's domestic and foreign policies (Bahgat, 2004: 137). It was also due to the historic relationship between the US and Western Europe and the prevalence of transatlantic solidarity after the seizing of the US embassy and the hostage crisis in 1979 and 1980 (Bergenäs, 2010: 500). Moreover, during the Iran-Iraq war in 1980s, some EU MSs, such as France, UK and Spain supported Iraq, as did the US. Germany<sup>19</sup> remained notably a main country that held to a position of neutrality and kept political and trade channels open with Iran. It was therefore not surprising that Germany became the largest European commercial partner of Iran (Parsons, 1989; Moshaver, 2003: 292; Noi, 2005: 84).

In February 1989, Ayatollah Khomeini's fatwa against Salman Rushdie presented another problem for the European Community (EC) (now EU) and the international community, in particular for the UK. However, the EC's response to this new challenge was weak (Ehteshami, 2001: 294). In mid-February 1989, the twelve EC countries only recalled their ambassadors from Tehran. However, only one month later, they decided unilaterally to return to Tehran (Ehteshami, 2001: 295; Sammoudi and Hatamzadeh, 2012: 154).

Whilst the decade after the Iranian revolution generally witnessed EU-US transatlantic cooperation of one sort or another towards Iran, in contrast, the 1990s was a decade of a large change in transatlantic views towards Iran (Sammoudi and Hatamzadeh, 2012: 154). In August 1989, Hashemi Rafsanjani's accession to the presidency, after Khomeini's death in June 1989, and his new policy of opening Iran for reconstruction increased the hopes in Europe that Iran was about to normalise its relations with the West. Rafsanjani's accession to the presidency was perceived as the end of the revolution period in Iran (Reissner, 2000: 37). This was accompanied by the release of the last remaining Western hostages in Lebanon with Iranian help in late 1991, which contributed to an optimistic attitude toward Iran (Struwe, 1998: 15-16).

Moreover, Iran and the EU saw in each other potential to be explored. For Iran, the EU was a source for the foreign loans, credit and investment that economic restructuring needed (Moshaver, 2003: 293). For the EU, Iran was important geopolitically and economically,<sup>20</sup> with an invaluable source of oil and gas (Posch, 2013: 179) and thus could not be easily ignored (Noi, 2005: 85). An EU official confirmed that the EU believed that the only way to bring about change in Iran's behaviour was to engage with this important country (Interview with Senior EU official, 1/3/2016). Isolation would not lead Iran to change its behaviour but instead only strengthen the hands of radicals and extremists in Iran. Conversely, through dialogue, there would be a better potential to influence Iran and thus change its behaviour regarding the issues of concern to the EU (Interview with senior EU official, 3/3/2016). Thus, for the EU, Iran is an important 'country with which you need to have a dialogue but of course a dialogue that is conditioned upon improvement in various issue areas such as human rights and terrorism' (Interview with senior EU official, 1/3/2016).

In fact, the policy of critical dialogue was formally adopted by the Council of the EU at the European Union Summit in Edinburgh in December 1992. It reflected the fact that Iran's importance in the region reaffirmed the EU's belief that 'a dialogue should be maintained with the Iranian Government'. However, it also confirmed that this dialogue should be 'a critical dialogue which reflects concerns about Iranian behaviour and calls for improvement in a number of areas, particularly human rights, the death sentence pronounced by a Fatwa of Ayatollah Khomeini against the author Salman Rushdie, which is contrary to international law, and terrorism'. It also emphasised that the development of closer relations between the EU and Iran was to be conditional upon Iran's improvement in these areas (Council of the EU, 1992).

From this perspective, the terms of the Edinburgh conclusions signalled that the main aim of a critical dialogue was changed behaviour on the part of Iran regarding aforementioned issue areas of concern to the EU (Rudolf, 1999: 75-76; Noi, 2005: 86). This dialogue was critical because it was conditional and none of the issues that the EU found worrying, including human rights, terrorism and the fatwa against Salman Rushdie, were excluded (Posch, 2013: 179). Importantly, the formulation of this policy and the start of the first EU policy of engagement and dialogue with Iran was an opportunity for the EU to begin to articulate its role as a foreign policy actor and determine its objectives towards Iran (Dryburgh, 2008).

However, the emphasis on dialogue, without any particular threats or promises, suggested that an initial target was improved mutual understanding (Taylor, 2001: 247), and to maintain contacts with Iran mainly to sustain and enhance EU-Iranian commercial relations (Reissner, 2000: 35). Moreover, in this approach, the EU was not concerned about the non-proliferation issue as there was no language in the EU text outlining its policy of critical dialogue that clearly and specifically refers to the non-proliferation of Weapons of Mass Destruction (WMD) (Bergenäs, 2010: 501).

The idea of critical dialogue with Iran dated back to the then German foreign minister, Hans Dietrich Genscher, in 1980s (Taylor, 2001: 244). Due to special historical<sup>21</sup> and commercial relations with Iran, Germany was the main initiator of the critical dialogue and thus played a significant role in shaping this dialogue (Interview with Senior EU MS official, 29/2/2016). While the relations between other EU MSs, including France, the UK and Spain, and Iran deteriorated after the Islamic revolution mainly due to the support of Iraq during the Iraq-Iran war (Parsons, 1989: 224; Noi, 2005: 84), trade connection and normal relations continued between Germany and Iran (Mousavian, 2010a). By 1990, for instance, Germany had become the most significant importer of Iran's non-oil exports (34.4 percent), and by 1992, German-Iranian trade relations reached a volume of more than \$6.8 billion (Reissner, 2000: 36).

### ***EU-US transatlantic relations***

In general, there was a lack of EU-US cooperation in dealing with Iran in this period as they pursued different approaches towards Iran. Contrary to the EU's policy of critical dialogue, the US pursued a policy of sanctions and isolation towards Iran. It rejected any

engagement with Iran and imposed pressure on the EU to isolate the country and maintain their policy in line with that of Washington (Kaussler, 2012: 54; Sammoudi and Hatamzadeh, 2012: 156). The US accused Iran of being the world's leading state sponsor of terrorism and of trying to acquire weapons of mass destruction (The American Presidency Project, 24 August 1994). The US Secretary of State, Warren Christopher, considered Iran 'the foremost state sponsor of terrorism in the world...one of the greatest if not the greatest threats to peace and stability in the region' (cited in Gerges, 1996: 5).

Furthermore, in the early 1990s, the US alleged that Iran had all the materials to manufacture two or three operational nuclear weapons, which were bought from the former Soviet Union. However, for the EU, as long as Iran abided fully by all its obligations under the NPT and the IAEA found no evidence of the construction of nuclear weapons, there was no direct evidence to support the US allegations (Council of the EU, 1993a).

Thus, the US decided to pursue its efforts of dual and active containment<sup>22</sup> unilaterally, and to maintain the counter-terrorism sanctions and other measures enacted by previous administrations to isolate Iran (Indyk, 1993). The policy of dual containment aimed, *inter alia*, to persuade the US's European allies, together with other powers such as China, Japan and Russia, to pressure Iran so it could not pursue normal commercial relations, to oppose development loans to Iran by the World Bank and International Monetary Fund and to reject Iranian requests for nuclear technologies and conventional weapons (Sick, 1998: 8).

Accordingly, the EU critical dialogue immediately came under heavy criticism from the Clinton administration. The State Department spokesperson Mike McCurry stated that EU's policy, which was 'combined with extensive trading ties and favourable financial treatment', would only 'encourage Iran to think that it can improve relations with the West without changing its behaviour' (The Washington Post, 6 November 1993). Thus, the Europeans were criticized by the US for selling out on human rights and other troubling issues for the sake of their own economic interests (Reissner, 2006: 115). In light of this, the critical dialogue was regarded by the US as a process with no real substance, which was only likely to influence Iranian behaviour at the margins, while simultaneously undercutting American sanction efforts and giving European firms a competitive edge over their American counterparts (Calabrese, 2004).

While the American policy of dual containment was ineffective, in particular from 1992-1994, mainly due to the huge amount of EU business with Iran (Struwe, 1998: 33), the US

implemented increasingly severe sanctions aiming to isolate Iran until it halted its alleged plans to acquire nuclear weapons and support of international terrorism (Kaussler, 2012: 54-55). This included the prohibition of certain transactions with respect to the development of Iranian petroleum resources (The White House-Presidential Documents, 17 March 1995), and any trade financing loans or any related financial services (The White House-Presidential Documents, 9 May 1995) (see also appendix V for list of sanctions imposed against Iran). At the same time, the US pressured the EU to follow a tougher stance against Iran and to isolate the regime until it changed its behaviour (Sick, 1998: 8; Pinto, 2001: 101).

However, the US's efforts did not receive any positive responses from the EU countries, arguing that sanctioning and isolating Iran would not bring the regime to change its behaviour (Interview with Senior EU Official, 1/3/2016). British Prime Minister John Major, for instance, ruled out joining the embargo and expressed scepticism that this policy would achieve the desired effect. In addition, French Foreign Minister Alain Juppé declared 'we do not believe in unilateral embargos' (Agence France Presse, 2 May 1995). Similarly, Italy opposed sanctioning Iran for unproved allegations (Interview with senior EU MS official, 2/2/2016) and Germany considered critical dialogue the only valid approach to deal with Iran (Interview with Senior EU MS official, 29/2/2016).

The split between the EU and the US reached a peak over the American imposition of the ILSA in 1996. It prohibited investment of US oil companies in Iran and authorized the US President to retaliate and impose sanctions against not only US oil companies but also foreign companies that make investments of \$20 million or more in any 12-month period in the oil and natural gas sectors, which directly and significantly contribute to the development of Iran's ability to develop petroleum resources of Iran (Iran and Libya Sanctions Act, 1996). This act was intended to further isolate Iran and to restrict its financial capability, which could be used to enhance its military capability and terrorist support capabilities (Brzezinski et al., 1997: 22; Connaughton, 1998: 1226).

The US sanctions act provoked the anger of, and were strongly opposed by, the EU as an ineffective means to combat international terrorism and in defiance of international law. The EU further reaffirmed that it would act in the appropriate international fora, including the World Trade Organization (WTO), in defence of its MSs rights and interests (Council of the EU, 1996c). The European Commission indeed lodged a formal complaint against the State Department with the WTO (Moshaver, 2003: 294; Noi, 2005: 86) and its trade

commissioner Sir Leon Brittan promised to fight the US action on behalf of the EU through the WTO procedures (Ehteshami, 2001: 297). As a result, in April 1997, the US and the EU reached a Memorandum of Understanding agreement; the EU would suspend its WTO case in exchange for a US commitment to work towards neutralizing the effects of the ILSA (Tzogopoulos, 2004: 24).

This division between the EU and the US approaches towards Iran led some analysts to argue that this division was only of Iran's benefit as it helped Iran to exploit their division by continuing resisting their calls to change its behaviour (Reissner, 2000: 44; Taylor, 2001: 260). As a consequence, neither the US's policy of isolation nor the EU's policy of engagement was successful to change Iranian behaviour regarding their issues of concern (Gerges, 1996: 7; Calabrese, 2004).

At the same time, following the appalling bombings in Israel in March 1996, which were carried by the militant Palestinian group Hamas and killed about 60 innocent civilians, the US accused Iran of direct involvement and once again called the EU to isolate Iran and adopt a tougher stance against it (Agence France Presse, 5 March 1996). However, the EU saw no legitimate ground for the imposition of sanctions as long as Iran did not pose a grave threat to international security (Interview with senior EU official, 1/3/2016). Commissioner Karel Van Meirt clearly stated that 'The European Union has consistently opposed the use of embargoes except where specifically approved by the United Nations' (cited in Struwe, 1998: 32). The EU was of the view that sanctioning Iran would further diminish the potential of behavioural change on the part of Iran (Interview with senior EU official, 1/3/2016).

Moreover, some EU MSs publically dismissed US pressure and were unconvinced that Iran was directly involved in the bombing campaign, as US alleged, and thus refused to take restrictive measures against Tehran. A French official, for instance, said 'If there is proof, let them show us it'. Another German diplomat said 'We do not change our political position for emotional reasons'. Spanish Foreign Minister Carlos Westendorp also confirmed 'If we are to avoid more terrorist attacks, we have to persuade Iran in theory to cooperate with us... we have to avoid a confrontation with those countries' (Agence France Presse, 9 March 1996).

Thus, most of the EU MSs were not ready to seriously act in response to Iran's alleged terrorist activities and its human rights violations. In contrast, Denmark appeared to have



serious concerns about the Iranian human rights record and remained the only one among its European partners who publicly decided to withdraw from the critical dialogue process. Denmark also suspended its bilateral dialogue with Tehran because of Iran's bad human rights record (The Wall Street Journal, 27 November 1996; Calabrese, 2004), and because Iran had not lifted a death sentence against British writer Salman Rushdie (Agence France Presse, 15 August 1996). This unilateral withdrawal indicated that the EU's policy did not put limits on its MSs' behaviour and thus the EU MSs were free to implement policies towards Iran according to their national interests. Danish Foreign Minister Niels Helveg Petersen added that 'I do not think the critical dialogue with Iran is going anywhere'. Nevertheless, he did not object to other EU Member States pursuing a dialogue with Iran 'as the prevailing perception within the EU is that it is not reasonable to isolate Iran... this analysis is still valid' (Agence France Presse, 15 August 1996). Other UK officials have also criticized the EU and its policy of critical dialogue calling for more concrete measures, and not just eloquent declarations, to oblige Iran to change its behaviour (Agence Europe, 17 February 1996).

The EU countries, particularly those with vast commercial interests with Tehran, were not ready to abandon their lucrative economic interests for the sake of transatlantic cooperation or human rights (Reissner, 2000: 35; Pinto, 2001: 106). As France's Prime Minister Edouard Balladur declared 'we want respect for human rights... but at the same time we have an economic position to defend' (Los Angeles Times, 21 March 1995).

As a matter of fact, by the end of 1995, the EU became one of the leading trade partners of Iran. For example, the EU MSs exported \$11.5 billion worth of goods to Iran. The main EU exporter countries to Iran were Germany, France, Italy and the UK. Iranian exports to the EU were worth \$17.5 billion consisting mainly of oil and gas (Noi, 2005: 87) (see also Table 3.1 and Table 3.2).

**Table 3.1: Europeans exports to Iran 1991-1997 in million US\$**

Country	1991	1992	1993	1994	1995	1996	1997
<b>EU- Total</b>	10.201.8 10	10.923.25 4	7.081.28 7	4.671.988	4.318.06 1	4.897	5.522
<b>German y</b>	4.006.72 0	5.030.473	2.448.71 1	1.556.137	1.617.08 2	1.477.8 00	1.721.8 00

<b>France</b>	894.227	744.610	765.659	818.043	566.061	672.20 0	738.20 0
<b>UK</b>	860.913	968.431	725.971	430.538	515.048	620.70 0	648.40 0
<b>Italy</b>	1.757.00 1	2.052.458	1.376.06 7	721.398	518.420	714	848
<b>Spain</b>	371.991	278.489	389.714	128.679	162.651	265.58 0	328.98 0
<b>Austria</b>	376.034	384.060	300.135	240.075	133.822	n.a.	n. a.
<b>Denmark</b>	190.610	169.708	169.844	81.582	83.562	n. a.	n. a.
<b>Greece</b>	19.382	24.879	14.297	9.109	4.946	n. a.	n. a.
<b>Ireland</b>	15.927	20.344	29.806	53.238	58.944	n. a.	n. a.
<b>Netherlands</b>	455.334	429.917	311.955	206.910	245.047	235.50 0	275.71 4
<b>Portugal</b>	12.264	23.014	8.706	5.748	20.938	n. a.	n. a.
<b>Sweden</b>	722.704	324.109	181.061	63.986	79.954	131.13 0	184.97 0

Source: (Struwe, 1998: 54).

**Table 3.2: Europeans imports from Iran 1991-1997 in million US\$**

<b>Country</b>	<b>1991</b>	<b>1992</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>
<b>EU-Total</b>	8.588.82 3	7.765.60 2	7.194.80 6	5.955.54 8	6.919.58 8	7.617	5.823
<b>Germany</b>	890.733	707.276	781.489	816.627	811.206	723.300	685.200
<b>France</b>	1.340.43 3	1.089.73 4	1.501.06 1	1.034.06 3	1.374.50 0	1.274.30 0	925.800
<b>UK</b>	280.953	285.835	350.454	213.613	235.543	183.100	59.600
<b>Italy</b>	1.634.33	1.648.47	1.468.99	1.022.43	1.753.26	1.924.40	1.790

	5	7	1	4	4	0	
<b>Spain</b>	717.384	356.773	573.017	633.843	784.831	964.610	733.980
<b>Austria</b>	164.391	123.112	84.398	84.139	47.074	n. a	n. a
<b>Denmark</b>	18.234	18.163	25.903	14.788	17.684	n. a.	n. a.
<b>Greece</b>	625.507	699.037	764.081	509.927	467.988	n. a.	n. a.
<b>Ireland</b>	244	1.165	1.486	1.296	1.938	n. a.	n. a.
<b>Netherlands</b>	1.173.375	1.404.033	1.329.298	991.206	750.405	738.477	644.698
<b>Portugal</b>	204.479	134.044	70.184	362.320	342.568	n. a.	n. a.
<b>Sweden</b>	411.877	229.926	207.531	192.731	265.599	202.190	229.600

Source: (Struwe, 1998: 54).

Against this backdrop, the US strongly criticised the continuation of the EU's critical dialogue despite the evidence of Iranian government involvement in terrorist activities. It further considered it as a forum in which 'the Europeans and the Iranians get together, and criticize the Americans' (The Wall Street Journal, 10 June 1996), as well as a cover for intensifying economic activities with Iran (Pollack, 2004: 264). Thus, although the EU and the US shared some concerns with regard to Iran's behaviour, such as human rights and terrorism, they completely followed different approaches vis-à-vis the country. It was also obvious that without the EU's support, the US alone was not able to successfully increase pressure on Iran.

In fact, while the US was pressuring the EU to restrict trade with Iran in line with the ILSA act, EU countries along with Japan guaranteed Iran \$5 billion in loans. In February 1997, the Governor of Tehran's Central Bank Mohsen Nourbakhch stated that 'Despite US anti-terrorism sanctions, Iran has managed to obtain offers of more than \$5 billion in government-backed loan guarantees from Europe and Japan', and we have succeeded in reopening credit lines. In addition, the export loan guarantee agencies of Germany, Japan, Italy, France, Spain and other countries had also helped Tehran to reschedule a total of about \$22 billion of debts (The New York Times, 3 February 1997).

However, the EU MSs, in their actual interaction with Iran, did not use their economic leverage as a condition to improvement on Iranian behaviour regarding the issues of concern to the EU. This is despite the fact that according to the terms of the Edinburgh conclusions (Council of the EU, 1992), the EU's policy supposed to be conditional – that is, there would be no closer political and economic relations with Iran without changed behaviour on the part of Iran regarding EU concerns. The fact that caused, as Reissner (2000: 34) argued, the regular meeting between the EU Troika<sup>23</sup> and Iran to become empty rituals. Indeed, it seemed that the critical dialogue was more about an EU common political stance to develop a common foreign policy than a political strategy with specific guidelines to evaluate Iran's behaviour and to effectively implement this dialogue (Reissner, 2000: 42-43). Critical dialogue was merely conducted through confidential demarches, public declarations and some regular meetings of the EU-Troika with Iranian officials (Council of the EU, 1993d). The content of those meetings were also confidential and no decision was produced regarding the EU's issues of concern. Moreover, focusing only on biannual meetings of the Troika with senior Iranian officials was in itself unlikely to be effective, in particular with human rights issues, unless it included a clear view of the broad range of groups that needed to be brought into discussions (Taylor, 2001: 350-352). The critical dialogue, however, was entirely directed to Iran's government and overlooked movements towards moderation within the society (Reissner, 2000: 43).

Moreover, no threats or restrictions of any kind (Reissner, 2000: 39; Kienzle, 2012: 85) or real incentives (Taylor, 2001: 254; Kaussler, 2008: 272) were seriously considered by the EU in the case of Iran's (non)compliance with the EU concerns. This lack of restrictive measures allowed significant space for Iran to selectively engage with the EU (Pakfar, 2010/11: 18), while, at the same time, its economic relations with the EU MSs was flourished. As a result, the EU critical dialogue was largely remained rhetoric and declaratory policy with no real effectiveness.

From 1992 to 1996, frequent violations of human rights were conducted by Iran's government, notably with regard to the freedom of expression, the death penalty, freedom of religion, political prisoners and the status of women (United Nations, 1993: 787; United Nations-Economic and Social Council, 1997). Moreover, Iran made it clear that the fatwa against Salman Rushdie could not be revoked and thus the Iranian government would not take any steps to secure the carrying out of the fatwa (Agence Europe, 19 February 1996; Official Journal of the European Communities, 25 September 1996). However, the EU's response remained merely rhetoric, condemning the situation and calling upon Iran to

make progress (e.g. Official Journal of the European Communities, 21 November 1994; 1 May 1995; 3 July 1995; 1 April 1996; 9 September 1996; 17 March 1997; Council of the EU, 1995; 1996a; 1997a). Likewise, the EU's response to Iran's terrorism allegation remained rhetoric (Council of the EU, 1996b), mainly arguing, as senior European officials stated, that there was a lack of evidence that Teheran had been directly involved in the terrorist activities (The Washington Post, 15 March, 1996).

It was apparent that the EU and its MSs were more concerned about their economic interests with Iran rather than changing its behaviour and thus effectively pursuing its goals. The EU never put limits on its MSs' behaviour with regard to their relations with Iran. Thus, they were free to pursue their particular versions of critical dialogue according to their interests and preferences (Rudolf, 1999: 78). For most of the EU MSs, maintaining trade and political connections with Iran was the most significant aspect. Denmark remained the only country that withdrew from the critical dialogue policy and announced that 'human rights have a higher priority than economic interest' (The Wall Street Journal, 27 November 1996).

## **2. The Mykonos crisis and the end of critical dialogue**

The policy of critical dialogue continued until the Mykonos crisis of 1997 when the Superior Court of Justice in Berlin concluded, on 10 April 1997, that the Iranian authorities were involved in the September 1992 assassination of three exiled Iranian Kurdish dissidents leaders and their translator at the Mykonos restaurant in Berlin<sup>24</sup> (Rudolf, 1999: 72; Dryburgh, 2008: 258; Kaussler, 2012: 55). In his 395-page decision, the presiding judge, Frithjof Kubsch, pointedly noted that the trial had proved 'Iran's political leadership ordered the crime' and the evidence made it clear that the Iranian rulers not only approved of assassinations abroad and honoured and reward the assassins, but that they also themselves planned these kind of assassinations against people (Iran Human Rights Documentation Center, 2007: 18).

The verdict caused a diplomatic rupture between Iran and Germany, its biggest European trading partner. The German government expelled four Iranian diplomats and recalled its ambassador from Tehran for consultation (The Washington Post, 11 April 1997). In retaliation, Iran also withdrew its ambassador from Bonn and expelled four German diplomats, denying that its leadership was behind the killings (Agence Europe, 12 April

1997). Iran also characterised the ruling as ‘baseless, malicious, one-sided and unfair’ (The Associated Press, 12 April 1997). Iran’s supreme leader Ayatollah Ali Khameni further warned that Germany would pay a ‘heavy price’ over the Berlin court ruling implicating Tehran in terrorism, saying ‘You have lost something here that you cannot easily regain -- and that’s the trust of our people’ (Agence France Presse, 16 April 1997).

The EU, in a declaration by the Netherlands EU Presidency on behalf of the EU on Iran on 10 April 1997, immediately condemned the involvement of the highest Iranian authorities in this terrorist incident and ‘regards such behaviour as totally unacceptable in the conduct of international affairs’. It also decided that ‘under such circumstances there is no basis for the continuation of the policy of critical dialogue’ and ‘no progress can be possible while Iran flouts international norms, and indulges in acts of terrorism’. In addition, the EU invited its MSs to recall their Ambassadors for coordinated consultation on the future relationship of the EU with Iran (Council of the EU, 1997b). German Foreign Minister, Klaus Kinkel, declared that Germany wanted and needed the solidarity and a common position of other MSs in this affair (Agence Europe, 12 April 1997). For some analysts, the withdrawal of European ambassadors from Tehran demonstrated, perhaps for the first time, that Europeans might be willing to base their politics with Iran on principles rather than economics (Reissner, 2000: 45).

However, despite the EU’s ability to formulate a common position, suspending critical dialogue with Iran and recalling the ambassadors of its MSs from Iran, divergent MSs’ preferences nevertheless resulted in EU action being merely symbolic and short-lived. Greece did not even recall its ambassador from Tehran (The New York Times, 12 April 1997; Agence Europe, 19 April, 1997). The Greek government spokesperson, Dimitris Reppas, announced the Greek ambassador would stay in Tehran, saying ‘we think that the isolation of Iran is not the best way to protest’ (Agence France Presse, 11 April 1997). Greece also declared that Athens was still in favour of the EU’s policy of critical dialogue and that the new EU position would isolate Iran and ‘does not help it re-join the international community’ (Agence France Presse, 17 April 1997). Germany, for its part, expressed its astonishment at the lack of solidarity from its Greek partner (The New York Times, 12 April 1997).

Further underscoring the symbolic nature of this diplomatic detachment, as well as the inability to present a concrete common position, some EU MSs, including France, Italy and Austria demanded a quick return. In contrast, Germany and Denmark objected to this idea,

arguing that the EU needed to show its presence and to send a firm and united message to Iran as a signal to Teheran to end its support of international terrorism (Agence, Europe, 19 April 1997). Denmark, also backed by the Netherlands and Sweden, advocated for more than a symbolic reaction towards Iran as the ‘proof has been found of the implication of the Iranian authorities in the terrorist attack’ (The New York Times, 11 April 1997).

In turn, Iran expressed its outrage at the EU MSs’ decision to recall their ambassadors in solidarity with Germany, but it appeared convinced the move was largely symbolic. Iran’s Foreign Minister, Ali Akbar Velayati, said that the EU’s diplomatic measures against Iran were ‘symbolic’ and ‘they will not continue along this road to the end’ (Agence France Presse, 13 April 1997). German Foreign Minister further confirmed that his country and the EU did not want to break off relations with Iran or to impose harsher restrictive measures on Iran as this would not be a good move (Agence France Presse, 14 April 1997).

The EU MSs were of the view that they should not entirely cut off their relations with Iran because isolating Iran could lead to a state of tension and encourage fundamentalism (Agence Europe, 30 April 1997). The EU, in a General Affairs Council meeting on 29/30 April 1997, did decide to impose some restrictive measures, including suspension of official bilateral ministerial visits to and from Iran under current situation, refraining from supplying arms or dual-use goods to Iran, and ensuring that visas are not granted to Iranian with intelligence and security functions (Council of the EU, 1997c). However, it also agreed that the ambassadors could return to Tehran (Council of the EU, 1997c), spurning appeals from the US to break off all political and economic ties with Iran because of its alleged role in sponsoring terrorism abroad (The Washington Post, 30 April 1997).

In a further resisting and challenging manner, the Iranian President, Akbar Hashemi Rafsanjani, declared that the EU decision to send their ambassadors back to Iran ‘shows the true power of Iran’ (Agence France Presse, 30 April 1997). Iran also considered the limited EU diplomatic sanctions as merely to save face as the EU would never jeopardise their economic relations with Iran (Agence France Presse, 29 April 1997a). In retaliation to German verdict, Iran’s Foreign Minister further announced that ‘we do not welcome the return of German ambassador’ (The Associated Press, 30 April 1997). This announcement escalated the diplomatic problem between the EU and Iran as the Netherlands EU Presidency urged the EU MSs to suspend the return of ambassadors to Tehran, stating that EU would not accept that Iran take arbitrary measures against some MSs for a policy supported by all (Agence Europe, 2 May 1997; The New York Times, 2 May 1997).

Thus, although the Mykonos verdict was a clear evidence of Iran's involvement in terrorist activities, EU MSs' privileged trade relations with Iran and their divergent preferences prevented the EU from responding effectively, which allowed Iran to further resist and challenge the EU's policy objectives. It was apparent that most of the EU countries preferred symbolic measures against Iran, only as a gesture of solidarity with Germany, but they were not ready to jeopardise their lucrative commercial interests with Iran in response to its alleged terrorist activities (Pinto, 2001: 106; Noi 2005: 79; Reissner, 2006: 115). In fact, the EU measures, as one of the EU officials confirmed, 'were symbolic and the EU did not have a strong or even a united approach how to deal with Iran concerning these issues' (Interview with senior EU official, 3/3/2016). The EU MSs' divergent preferences indeed undermined the EU's ability to coherently and effectively act in response to Iran's alleged terrorist activities and violations of human rights. Consequently, this led Iran's regime to defy the EU's actions and to be less cooperative with its demands.

Following the Mykonos verdict which provided the first direct proof for what was widely condemned by the US as Iranian 'state-terrorism' (Struwe, 1998: 28), the US hailed the ruling as demonstrating its longstanding view that Iran's sponsorship of terrorism and the EU policy of critical dialogue were erroneous (The Washington Post, 11 April 1997; The Associated Press, 12 April 1997). While welcoming the EU restrictive measures, including suspension of official meetings with Iran and the imposition of diplomatic restrictions against the Iranian officials (The New York Times, 30 April, 1997), the US urged the EU to align itself with Washington's firmness (Agence Europe, 26 April 1997). However, the EU MSs, including Germany, France and the UK were not willing to follow the US in imposing economic sanctions (Agence France Presse, 27 April 1997).

A senior German diplomat said 'the critical dialogue may not have produced much in the way of political dividends, but we believe that the critical silence suggested by Washington is much worse' (The Washington Post, 30 April 1997). German Foreign Minister made it clear to the US that 'you cannot reproach us for following our economic interests' (The New York Times, 30 April 1997). Similarly, the French Foreign Minister, Herve de Charetter, remarked that dialogue was more fruitful than silence or coercion (The New York Times, 30 April 1997).

Thus, the EU MSs were reluctant to coordinate and act in a united fashion mainly due to their national interests. Moreover, concerning the imposition of restrictive measures against Iran in response to its non-compliance behaviour, there were differences among EU



MSs over how tough any other measures should be (Interview with senior EU MSs official, 29/2/2016). Some EU countries, such as Germany, Denmark, and the Netherlands campaigned for more than a symbolic reaction and insisted that any further dialogue or agreement reached with Tehran be contingent on improvements in the Iranians' behaviour (Calabrese, 2004). Likewise, Britain insisted Iran would have to make concessions for normal relations to resume (Agence France presse, 27 April 1997).

However, others, particularly France, Italy, Greece and Austria, were in favour of symbolic measures against Iran, refusing to sever political and economic links with Iran (The New York Times, 2 May, 1997). The French Foreign minister sought to set a six-month limit on the diplomatic measures, recommending against 'burning bridges' and calling only for the declaration stating that the critical dialogue was suspended 'in its current form'; a suggestion opposed by the German and Dutch Foreign ministers (Agence Europe, 30 April 1997). Italy, Greece and France also stressed that the ban only be applied to formal ministerial contacts, while informal contacts with Iranian officials remain (Agence France Presse, 29 April 1997b; The New York Times, 2 May, 1997).

It was clear that most of the MSs wanted to impose limited restrictive measures because of their desire to sustain lucrative commercial ties with Iran (The Washington Post, 30 April 1997). Thus, France wanted to secure technical exceptions to permit senior trade officials to visit Iran (Rudolf, 1999: 82) and become more intensively engaged with Iran, both diplomatically and economically (Calabrese, 2004). Italy further demanded that even the suspension of the official bilateral ministerial contacts be 'very temporary' so as not to adverse its commercial benefits with Tehran (The New York Times, 12 April 1997).

As a result of the lack of coordination and divergent preferences among the EU MSs, the EU's restrictive measures remained inconsistent, merely symbolic and thus ineffective (Struwe, 1998: 52; Reissner, 2000: 40; Calabrese, 2004; Kaussler, 2012: 55). Although the Mykonos verdict clearly proved the involvement of high Iranian officials in terrorism, the restrictive measures, as a senior EU official said, were solely symbolic and were soon lifted, without Iran taking any concrete action or changing its behaviour (Interview with senior EU official, 1/3/2016). This was mainly due to the reluctance of most EU MSs to sacrifice their economic and political interests with Iran. Nevertheless, the EU's limited reaction to the Mykonos verdict proved that the EU was only ready to act when concrete evidence was produced that Iran committed an act of violence (Struwe, 1998: 22).

### 3. Comprehensive dialogue

It was the election of a moderate president, Mohammed Khatami, in June 1997 that accelerated the re-engagement between the EU and Iran, though Khatami's election did not bring any immediate decisive resolution to the divisive issues between the EU and Iran (Posch, 2013: 180). Khatami's campaign included promises to bring about political reforms and economic liberalisation (Moshaver, 2003: 291; Noi, 2005: 88), new moderate rhetoric in Iran's foreign policy, with the call for 'dialogue between civilizations', as well as to normalize and expand relations with the EU (Kaussler, 2012: 55). After taking the oath, Khatami called for 'detente' in Iran's foreign relations, but also confirmed that Iran would 'resist foreign powers which want to impose their will', in reference to the US (Agence France Presse, 4 August 1997). He also pledged that he 'would abide by the rule of law, allow freedom of expression and eradicate poverty, discrimination and injustice' (Agence France Presse, 4 August 1997).

Following Khatami's inauguration on 15 September 1997, soon the EU General Affairs Council requested the Luxembourg Presidency to contact Iran to solve the remaining problems (Council of the EU, 1997d). In mid-November 1997, Iran and the EU indeed agreed to return the ambassadors of the EU MSs to Tehran. Speaking on behalf of the EU, Luxembourg's Foreign Ministry said 'after the election of a new Iranian President and the formation of a new government, the time has come to resolve the problem of the return of the ambassadors' (The Independent, 14 November 1997).

Khatami's new moderate policy further prompted the EU Council to take the decision of moving forward its relations with Iran. In February 1998, EU General Affairs Council eventually reviewed the relationship with Iran by deciding to resume official bilateral ministerial visits to and from Iran and to explore the scope for enhanced political contacts with Iran (Council of the EU, 1998b). In March 1998, EU General Affairs Council indeed agreed that the EU should renew comprehensive dialogue with Iran (Council of the EU, 1998c). The EU states wanted to respond positively to further encourage recent moderate rhetoric in Tehran (Interview with senior EU official, 1/3/2016).

However, once again, divergent preferences and priorities of MSs accompanied this re-engagement with Iran. Germany was more concerned about Iran's human rights and terrorism records, whereas Britain saw the Rushdie affair as one of the main priorities, but they also agreed that the dialogue should be continued with Iran (Struwe, 1998: 46-47).

British Foreign Secretary, Robin Cook, confirmed that neither US sanctions nor the previous EU critical dialogue were successful, but stressed that the EU, as well as the US, must engage with the moderate force in Iran (Agence France Presse, 12 January 1998). For others, particularly France and Italy, expanding trade interests with Iran was the priority (Calabrese, 2004).

In fact, for some EU MSs, the election of Khatami and the re-engagement with Iran was a significant opportunity to enhance their political and economic relations with the country, rather than bringing it to comply with the EU's concerns and demands. For instance, the Italian Foreign Minister, Lamberto Dini, was the first to visit Tehran, which came less than a week after the EU decided to unfreeze a ban on high-level contacts with Iran, in order to begin a new chapter of relations with Iran. Dini affirmed, 'Italy believes in dialogue' and 'we need an open dialogue to remind Iran to honor its own commitment not to use terrorism as a political weapon and to accept the requests of the European Union for it to respect human rights' (Reuters, 1 March 1998). Similarly, the French Foreign Minister, Hubert Verdrine, also met his Iranian counterpart Kamal Kharrazi to bolster trade and political ties (Reuters, 1 March 1998).

Following this, the first reciprocal state visit since the Islamic Revolution took place, by the Italian Prime Minister, Romano Prodi, to Iran in June 1998 (The New York Times, 29 June 1998) and by an Iranian President to Italy in March 1999 (The Guardian, 9 March 1999). On the eve of the trip to Italy, a \$625 million energy deal was signed with Italy's ENI and France's EIF Aquitaine. Italy considered the visit of 'great importance' (The Guardian, 9 March 1999). French Foreign Minister also paid a visit to Tehran to re-open relations and enhance commercial and political links with Iran (The New York Times, 23 August 1998).

Furthermore, only two months after Khatami took office, the French oil company Total, together with state-owned partners Gazprom of Russia and Petronas of Malaysia - after Conoco of US forced by the US government to withdraw in 1995 as a first serious violation and test to the potency of the US's ILSA - concluded a \$2 billion deal to develop the giant Iranian South Pars gas field (Sick, 1998: 19). This resulted in the US angrily protesting this deal, even considering imposing sanctions against these firms according to ILSA. However, Total had the support of both France and the EU. The French Prime Minister defended the deal, saying 'nobody accepts that the United States can pass a law on a global scale... American laws apply in the United States. They do not apply in

France' (The New York Times, 30 September 1997). Likewise other EU MSs, including Germany and Britain, strongly expressed their disagreement regarding the US act (Tarock, 1999: 50). The European Commission Chairman, Sir Leon Brittan, further threatened to reinstate the EU's complaint against the Act in the WTO if the US imposed any sanctions against Total. The US eventually decided to waive sanctions against Total and other European firms (The Washington Post, 4 October 1997).

In addition, Khatami's pledge to abolish the Fatwa against the British author Salman Rushdie as a gesture to normalize relations and enhance economic ties with Britain and the EU (Rudolf, 1999: 86), increased the potential and hope to further enhance political and economic relations with Iran. This issue seemed to be an Anglo-Iranian rather than EU-Iranian issue of concern for about one decade (Ehteshami, 2001: 295) given the UK remained the only member state that took an action against Iran by breaking off diplomatic relations with Iran (The New York Time, 30 April 1997; Moshaver, 2003: 296). In fact, the EU never adopted restrictive measures against Iran because of this fatwa. Its response continued to remain merely rhetoric and declaratory (Council of the EU, 1998a).

On 24 September 1998, the Iranian Foreign Minister, in his meeting with his British counterpart, eventually assured that his country 'has no intention to take any action whatsoever to threaten the life of Salman Rushdie and those associated with his work, nor to encourage or assist anybody to do so and that it disassociated itself from any reward offered in this regard and does not support it' (Council of the EU, 1998e). These assurances were welcomed by the UK, stressing that it would enable a much more constructive relationship between the UK and Iran (The New York Times, 25 September 1998). Subsequently, the UK announced resumption of full diplomatic relations with Iran that had been broken since 1989 (The New York Times, 25 September 1998). The EU also welcomed the assurances given by Iran, which removed an impediment to better relations between the EU and Iran (Council of the EU, 1998e).

Similar to the critical dialogue, comprehensive dialogue was envisaged as an opportunity to exchange views, consisting of biannual troika meetings with the Iranians at the level of under-secretary of state or deputy ministers (Carbonell, 2004: 17; Posch, 2006: 100). In contrast to the previous dialogue, the comprehensive dialogue encompassed a broader range of issues. It also included regional issues, such as Iraq, Gulf, Central Asia and the Middle East Peace Process, as well as areas of cooperation on issues such as drugs, refugees, energy, trade and investment. Importantly, the EU comprehensive dialogue also

included, for the first time, the issue of non-proliferation (Council of the EU, 1998b; Commission of the European Communities, 2001). The EU Council also asked the Commission to establish contacts with Iran to explore possibilities for cooperation and a number of technical working groups were eventually established in this regard, including on energy and drugs in 1999 and on trade and investment in 2000 (Commission of the European Communities, 2001).

Although this dialogue included non-proliferation as an issue of concern to the EU, none of the working groups that were initiated to facilitate progress in this dialogue dealt with proliferation of WMD (Bergenäs, 2010: 502). It seemed that the EU, at the time, was not interested in the nuclear proliferation and thus it was not a real concern for the EU. The EU did not have any clear strategy or goals in this regard. It merely encouraged Iran to sign, ratify and implement relevant non-proliferation international instruments (Council of the EU, 2002a). Therefore, whether Iran had been working secretly to develop nuclear weapons or enhance its nuclear capabilities had never been a concern to the EU to the same extent as the US (Kienzle, 2012: 87).

Furthermore, apart from Iran's assurance to end the fatwa against Salman Rushdie, the EU comprehensive dialogue was initiated without progress having been made on the part of the Iranian government regarding the issues of concern to the EU. The comprehensive dialogue also fell short of threats or punishments if Iran did not address the EU's concerns (Interview with senior EU MS official, 2/3/2016). Moreover, while there were no structured economic relations at the EU level between the EU and Iran, the huge volume of commercial contracts with Iran was left to individual EU states (Interview with senior EU official, 3/3/2016). For the EU MSs, it was not a contradiction to have talks with 'Iran about concerns in certain areas and then some other member states would enjoy many good relations with Iran in economic terms' (Interview with senior EU official, 3/3/2016). Accordingly, while the comprehensive dialogue would contribute to enhance economic relations of the MSs with Iran, it would remain limited in changing Iran's behaviour. In fact, it can be argued that the objective of this dialogue, though not explicitly stated, seemed to be maintaining and deepening EU MSs' economic relations with Iran, rather than to change Iranian behaviour (Struwe, 1998: 47; Reissner, 2000: 35; Posch, 2006: 100).

The EU comprehensive dialogue coincided with the Amsterdam Treaty of 1997 and the creation of the HR for the CFSP. This marked the beginning of the recognition that an

effective CFSP needed more coherence and possibly even leadership than could be provided by six-month rotating presidencies of varying quality and priorities. In 1999, for the first time, the EU HR for the CFSP Javier Solana was appointed (Crowe, 2003: 534). However, no mandate was given to the EU HR in dealing with Iran (Interview with senior EU official, 1/3/2016), indicating further restrictions in the EU's ability to conduct a range of autonomous actions in its engagement with Iran. Thus, the CFSP remained an intergovernmental negotiating process in the charge of the six-monthly rotating presidency, with all the inefficiencies inherent in that (Crowe, 2003: 534). The EU's approach, therefore, remained intent on reflecting 'a mixture of widely shared political dispositions, distinctive national approaches, and limited efforts at coordinating national policies at the intergovernmental level' (Rudolf, 1999: 72).

Although the EU was able to formulate a common position that agreed on expanding dialogue with Iran, it was not a determinate common position, which put limits on acceptable behaviour for its MSs in their relations with Iran. Accordingly, the EU was unlikely to be able to act coherently and effectively in implementing its position in pursuit of its goals. This policy would also largely remain rhetoric with no concrete action. Following the initiative of this dialogue, it was therefore not surprising that the trade links between the EU and Iran grew further. From 1992 to 2001, EU imports from Iran grew on average by 2.7 percent per year, and EU exports by 2.5 percent. In 2001, the EU held a 28 percent market share, followed by Japan with 13.4 percent. In the same year, Iran's main supplier was the EU, 37.2 percent total imports, followed by Russia and UAE (Carbonell, 2004: 19) (see also table 3.3 below).

**Table 3.3: EU-Iran trade (in € million)**

EU	1998	1999	2000
<b>Imports</b>	3711	4720	8462
<b>Exports</b>	4323	3869	5238

Source: (European Commission, 2001a).

Thus, as shown above, of the various issues stated, trade and energy were the most prominent. Indeed, EU imports from Iran, primarily oil (European Commission, 2001a), nearly doubled in one year from 1999 to 2000. With the re-election of the moderate president Khatami in 2001, which came after the Iranian Parliament election in 2000 in which the reformists won the majority of seats, Iran began to acquire a further attractive

image across the EU countries. This was therefore followed by a quick move of the EU to deepen its relations with Iran, while American businesses were forced by the US government to cut investment under the ILSA (Bergenäs, 2010: 502; Posch, 2013: 181).

While the EU was seeking to increasingly develop relations with Iran, the newly elected American President, George W. Bush, re-introduced the ILSA to the US Congress in May 2001 and officially signed it in August 2001, which re-authorised the ILSA for another five years (Congressional Record, 2001; The American Presidency Project, 3 August 2001). Once again, the EU, in a General Affairs Council meeting in July 2001, opposed this decision as a matter of principle and thus reaffirmed the strong objections it has expressed since ILSA was first adopted. It also requested the Presidency and the Commission to pursue actively this issue (Council of the EU, 2001).

The relations between the US and Iran further deteriorated over a statement made by Bush in 2002, labelling Iran as a member of an 'axis of evil', alongside Iraq and North Korea, accusing it of seeking WMD and thereby posing a grave growing threat to the peace of the world (The American Presidency Project, 29 January 2002). This statement further widened the gap between the EU and US approaches towards Iran. Despite the US allegations, the EU officials and MSs refused Bush's statement and any military action against Iran and sought to continue their cooperation with Iran (Agence France Presse, 5 February 2002; The Guardian, 5 February 2002).

Meanwhile, in November 2001, the European Commission approved a proposal for negotiating directives for Trade and Co-operation Agreement (TCA) with Iran, aiming to demonstrate EU support for the reform process and providing a means through which the EU could continue dialogue and co-operation on issues of mutual interest (European Commission, 2001b). However, divergent preferences among the EU MSs occurred regarding the launching of TCA negotiations. Some EU MSs, such as Italy, Spain, Greece, France, and Austria, favoured a simple trade accord with Iran, while others such as Germany, Britain, Netherlands, Portugal and Luxembourg, preferred an integrative or mixed agreement that contained trade as well as political dialogue on terrorism and human rights (Calabrese, 2004).

In July 2002, the EU eventually reached an agreement on TCA negotiations with Iran in which the TCA (conducted by the EU Commission) would take place in parallel with political negotiations (led by the six-monthly rotating Council Presidency). Accordingly,

economic development was linked with progress by the Iranian government on the main areas of concern to the EU (Council of the EU, 2002b). In the word of EU External Affairs Commissioner, Chris Patten: 'Progress in one area of co-operation with Iran cannot be disassociated from all other areas' (cited in Calabrese, 2004: 5). Concerning human rights, the EU called on Iran to promote the protect human rights and fundamental freedoms through reform its judicial system and accession to the relevant international conventions in this field. Regarding non-proliferation, the EU only encouraged Iran to sign, ratify and fully implement relevant international instruments. On terrorism, the EU expected Iran to implement fully UNSC resolution 1373 regarding terrorism and to ratify and implement all relevant UN Conventions. Finally, with the Middle East, the EU only encouraged Iran to exercise its influence to prevent any action that might jeopardise peace and political process (Council of the EU, 2002a). Thus, the EU raised very broad and general concerns without specific strategies how to implement them or how to evaluate Iran's behaviour.

Despite the EU's rhetoric concerns regarding non-proliferation, the TCA did not make a non-proliferation clause part of the Agreement (European Commission, 2001b). A senior EU official confirmed that the EU, at the time, solely 'supported the IAEA monitoring approach towards Iran and did not have any active policy in this regard' (Interview with senior EU official, 3/3/2016). The idea of the TCA therefore remained 'precisely to structure the European countries' good economic relations with Iran and to facilitate them' (Interview with senior EU official, 1/3/2016). Of the aforementioned issues only human rights issue translated into an intense dialogue (as shall be discussed later in this section) (Seidensticker, 2004: 24) that aimed at 'achieving significant improvements in the situation of human rights in Iran' (Council of the EU, 2002c).

In this period, the US remained the only international power that accused Iran of trying to acquire WMD (Gerges, 1996: 5). In contrast, the EU did not consider that Iran had an active nuclear programme or was working secretly to acquire nuclear weapons (Reuters, 22 August 1997; Noi, 2005: 86; Kienzle, 2012: 87), or even as a threat to regional and international peace and stability (Gerges, 1996: 5; Kaussler, 2012: 54-55). Accordingly, the EU did not have concerns or specific policy regarding Iranian nuclear proliferation issue (Bergenäs, 2010: 502). In fact, a senior EU official confirmed that:

The nuclear issue at the EU level in 1990s got not so much attention, but some individual MSs had strong policy on nuclear, like Germany who refused to continue construction of Bushehr nuclear facility, as well as other MSs, like the



UK, France, and Italy did not do nuclear business with Iran. However, this was not an EU approach but the Nuclear Supplier Group (NSG) (Interview, 3/3/2016).

However, the NSG did not have any specific policy towards Iran. It applied agreed procedures to all non-nuclear weapon states. The NSG was created following the explosion in 1974 of a nuclear device by a non-nuclear weapon state, India, which demonstrated that nuclear technology transferred for peaceful purposes could be misused (IAEA Information Circular, 1997). Therefore, the main aim of the NSG is to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons (Nuclear Threat Initiative, 8 March 2016).

It was obvious that economic considerations were a major driving force for European countries, in particular France, Italy, Spain, and Greece, and thus the preconditions for ties would unlikely be compulsorily linked. An EU diplomat confirmed that even if there would be no reforms, there would be a dialogue (Agence France Presse, 10 December 2002). The EU and Iran eventually agreed that talks would be held every two months, with meetings between Brussels and Tehran, and the first round of negotiations were formally launched in Brussels on 12 December 2002 (Carbonell, 2004: 20).

In principle, the TCA was promising because it was the first contractual agreement between the EU and Iran and it offered a framework for broader economic and political relations between the two parties (Kausssler, 2008: 273). It was believed that the EU comprehensive dialogue would be more effective as it accompanied by a TCA as an important incentive to develop EU-Iran relations and to change its behaviour (Kienzle, 2012: 85). This was followed by the establishment of the intense EU-Iran human rights dialogue to promote human rights, the rule of law, system of justice as well as to strengthen the reformists in Iran (Tzogopoulos, 2004: 49-50).

A human rights dialogue was indeed launched in October 2002 and continued until 2004 and included four rounds of political dialogue, allowing for discussion on a variety of human rights issues. Each session was also complemented by a round table involving the EU and Iranian independent experts (European Union External Action, 2010). The main areas of concern to the EU to be discussed included violations of civil and political rights, systematic discrimination against women and girls, discrimination against minorities, the death penalty, stoning and torture, the ratification of key human rights treaties such as UN

Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the UN Convention on the Elimination of All Forms of Discrimination against Women, certain improvement to be made to the judicial system, the enforcement of the rule of law and to invite human rights mechanisms of the UN into the country (International Federation for Human Rights, 2003a; 2003b; Council of the EU, 2004d; Seidensticker, 2004: 24).

However, from the outset, Iran showed no willingness to change its behaviour as it required that there should be no compulsory demands by the EU in order to enter this dialogue. The EU also promised that it would not be tabling a UN resolution in this regard, arguing that it would give the human rights dialogue with Iran a chance (Agence France Presse, 21 October 2002). Therefore, the sessions remained forums for exchanging views and no tangible progress was made in Iran concerning the EU benchmarks. By the end of the fourth session, the EU was still deeply concerned that the human rights situation in the country had not improved in any significant respect and serious violations of human rights continued to occur in Iran, and in many respects had worsened (Council of the EU, 2003e; 2005c). This initiative partially fell victim to the opposition by the Iranian hardliners, including the Supreme Leader and the Guardian Council, to many legislative reforms (Kaussler, 2008: 293).

In fact, the revelation of clandestine nuclear activities in Iran in late 2002 and early 2003 was the main reason that the EU-Iran relations suffered a setback and the TCA negotiation and comprehensive dialogue were suspended (Reissner, 2006: 119; Bergenäs, 2010: 502). The EU focus was shifted significantly towards Iran's nuclear ambitions and the latter issue took priority over all other policy issues (Posch, 2006; Dryburgh, 2008: 259). This was mainly because the nuclear proliferation issue in general and Iran's potential nuclear weapon would have serious implications for regional, EU and global security. Moreover, tackling Iran's nuclear issue was crucial for the EU to demonstrate itself as a stronger player in nuclear non-proliferation, specifically given its non-proliferation policy record was not very effective.

Over the 1990s and early 2000s, the EU's non-proliferation policy largely lacked a common strategy (Sperling, 2015: 163). It solely emphasised multilateral approaches to security problems and strengthened existing treaties and regimes through political and financial support. Moreover, the EU's response to the nuclear crisis, such as the 1998 non-proliferation crisis emerging from India and Pakistani nuclear tests, remained purely

declaratory (Van Ham, 2011: 3). It had been geared predominantly to the universalisation of treaties and the multilateralisation of arrangements and thus its action and its effectiveness remained limited (Portela, 2003: I). Furthermore, the EU was not a unitary actor in the nuclear non-proliferation domain, consisting of divergent positions that included nuclear weapon states, neutral member states, and those highly disarmament-minded and opposed to nuclear weapons (Dee, 2013: 163). Thus, the EU MSs have been criticised that they are in principle united in their opposition to the proliferation of WMD, but in reality ‘they seldom seem capable of agreeing to use their political and economic, even strategic weight in order to put pressure on countries’ seeking nuclear capabilities (Grand, 2000: 25)

Likewise, with regard to Iran’s non-proliferation issue, the EU action in the 1990s had mainly focused on supporting the IAEA monitoring approach towards Iran without having a serious concern concerning Iran’s non-proliferation policy (Interview with senior EU official, 1/1/2016). The EU was not interested in Iran’s nuclear issue and thus did not have serious concerns about this issue. Rather it was more interested in establishing and enhancing economic relations with Iran. However, since the revelation of Tehran’s nuclear activities, the situation changed, as a senior EU official confirmed that:

The nuclear issue got much attention and became a serious concern for the EU only after the revelation of Iran’s nuclear activities in late 2002 and early 2003. This then became a key concern for all EU MSs and overshadowed the other areas such as human rights and terrorism (Interview, 3/3/2016).

Therefore, playing a strategic and effective role in non-proliferation issue and finding a solution to Iran’s nuclear issue was never been more important for the EU’s CFSP.

## **Conclusion**

This chapter has examined the effectiveness of the EU’s policy towards Iran between 1992, when relations between the two officially started, and 2002, when Iran’s activities on nuclear proliferation became public. The issue of nuclear proliferation for most of the period was of secondary importance, and certainly was not yet seen as a direct threat to European and global security. This was largely linked to the fact that Iran largely abided by its obligations under the Non-Proliferation Treaty and the International Atomic Energy

Agency had no major concerns over Iran's nuclear activities. Thus, the EU merely encouraged Iran to sign up and comply with international treaties and obligations related to nuclear proliferation. More generally, through the policy of critical dialogue and comprehensive dialogue, the EU sought to condition political and economic relations upon improvement of Iran's record on human rights, terrorism, and the fatwa against Salman Rushdie, yet limited progress was recorded. Overall, this period was characterised by low internal effectiveness and, consequently, low external effectiveness.

As for internal effectiveness, the EU was able to somehow articulate its goals and was recognised by third parties, yet it largely failed to act autonomously and coherently. In fact, when a common position was adopted, no clear and specific boundaries on the behaviour of the Member States were set, leaving them significant room of manoeuvre in their relations with Iran. This conduct, unsurprisingly, weakened the EU's ability to address Iran's non-compliance record. Clearly, human rights violations, compared to nuclear proliferation, do not pose major security threats and therefore it was not surprising that the EU Member States were not ready to sacrifice their trade and economic interests for the sake of some normative goals. Importantly, the EU response to Iran's alleged terrorist activities (specifically in the case of the Mykonos crisis) was largely rhetoric. It should be added that, with the institutionalisation of the Common Foreign and Security Policy with the Maastricht Treaty in 1992 and the creation of the position of High Representative for the CFSP with the Amsterdam Treaty in 1997, the EU manifested its ambitions to play a greater role in international politics. However, these institutional changes did not directly increase the EU's ability to act coherently and effectively in its dealings with Iran. This is also due to the fact that the HR was not given a specific mandate to speak and negotiate with Iran on behalf of the whole EU.

This chapter has also demonstrated that low internal effectiveness translated into low external effectiveness. The EU failed to achieve most of its goals, yet it was still important to keep engaging diplomatically with Iran and avoid following the path of isolation pursued by the US. This period shows that there was limited transatlantic cooperation in relation to Iran, with the EU and US promoting different approaches: the US sought to isolate Iran through the use of sanctions, whereas the EU pursued a policy of constructive engagement. Iran, on its part, took advantage of these divisions between the EU and the US, as well as those between the EU Member States, to resist all external pressures aimed at changing its behaviour. Apart from assurances not to carry out the death fatwa against Salman Rushdie or anyone associated with his work, no tangible improvement was seen

from the Iranian regime concerning its poor human rights record and its support to terrorism. Nevertheless, it can be concluded, the EU was not able to reach its goals because of the lack of internal effectiveness, rather than because of the unfavourable external context.

## Chapter 4

### Second period (2003 - 2005): unilateral EU diplomatic initiatives with limited coercive measures

#### Introduction

In contrast to the previous period, the discovery of Iran's uranium enrichment<sup>25</sup> activities in 2003 marked the beginning of an increased shift by the EU towards Iran's nuclear issue. The nuclear issue became a central element of the EU's foreign policy towards Iran and has taken priority over all other issues. This period is also largely characterised by a transatlantic division about how to solve Iran's nuclear dispute. While the US strongly pushed for sanctions, the EU preferred diplomatic engagement with Iran.

During this period, the EU took the lead in finding a diplomatic resolution to Iran's nuclear programme. The US, on the one hand, continued its hostile approach towards Iran and refused to embrace diplomatic engagement with Iran or even rule out military action against the country (El-Khawas, 2005: 37; Leverett, 2006: 13; International Crisis Group, 2006: 17). On the other hand, Russia and China did not raise concerns about Iran's nuclear dispute and refused any restrictive measures against Iran (Taylor, 2009: 83). Thus, in this period, the EU's diplomatic efforts to find a solution to Iran's nuclear dispute remained unilateral and did not translate into multilateral cooperation (Harnisch, 2007a).

The key far-reaching goal of the EU's engagement with Iran was to find a comprehensive diplomatic solution to the nuclear dispute. The other key objective of the EU's engagement in this particular stage was to develop confidence in the peaceful nature of Iran's nuclear programme. This confidence was sought through full cooperation with the IAEA and through full and sustained suspension of all enrichment and reprocessing activities. The EU also sought to persuade Iran to sign and ratify the IAEA Additional Protocol<sup>26</sup> of the NPT as a demonstration of Iran's stated peaceful intentions regarding its nuclear programme (Council of the EU, 2003a; 2003c; 2004b; 2004e).

The EU's engagement with Iran's nuclear dispute in 2003 coincided with the failure of the international community to address the proliferation activities of North Korea and Iraq

(Berkofsky, 2003; Toje, 2005). The EU's engagement also unfolded against the backdrop of its efforts to develop a more coherent and effective approach to security issues, including non-proliferation, through adoption of the European Security Strategy (ESS) and the EU Strategy against Proliferation of WMD that provided the basis for the EU non-proliferation policy (Council of the EU, 2003h; 2003i).

The developments over Iran's nuclear dispute have therefore become a significant test case for the EU's security and WMD non-proliferation strategies (Tocha, 2009: 3). Solving the Iranian nuclear issue also represented an important opportunity for the EU to play a larger role on the world stage in both economic and political terms (Tarock, 2006: 613; Bergenäs, 2010: 504; Sauer, 2011: 93); to rebuild intra-European relations; to enhance its coherence and capacity to act, and to improve transatlantic relations (Everts and Keohane, 2003; Bailes, 2005). Consequently, the emergence and the developments of the Iranian nuclear issue in this period represent a significant opportunity to explain the EU's approach towards Iran's nuclear issue and to investigate the EU's ability to reach its objectives.

Since the 2003 discovery of Iran's nuclear programme, scholars have been involved in analysing the EU's efforts to resolve the issue. As will be explained, there are different perspectives and findings among the studies conducted regarding both the EU's ability to achieve its objectives and the factors that might support or constrain the effectiveness of the EU. Within the existing literature, particular focus has been given to the impact of the US's position and related EU-US cooperation in finding a comprehensive solution to Iran's nuclear issue.

Bowen and Kidd (2004) and Einhorn (2004) soon pointed out that without EU-US cooperation and common understanding regarding Iran's nuclear problem, a final comprehensive settlement to Iran's nuclear dispute was not possible. Calabrese (2004) also argued that the main problem in dealing with Iran's nuclear issue was the lack of unity between the EU and the US approaches. For Kile (2005b), the US's constant efforts to refer Iran's nuclear case to the UNSC did not facilitate the EU's efforts to find a diplomatic solution.

Some scholars further attributed the failure of the EU's efforts to find a comprehensive solution to Iran's nuclear issue to the lack of American support for the EU's diplomatic efforts. For example, El-Khawas (2005) attributed the failure of the EU's proposal of August 2005 to the US's refusal to offer Iran security guarantees. Similarly, Ganji (2005)

and Leverett (2006) contended that security guarantees were the core concern underpinning Iran's nuclear strategy. However, without the US, the EU was not able to offer Iran such guarantees. Tarock (2006) considered the US mistrust of Iran engaging in any kind of nuclear technology as the main stumbling block to any resolution of Iran's nuclear issue.

Other scholars, such as Chubin (2006) and Posch (2006) argued that nuclear enrichment was a matter of nationalism and pride for Iran and thus it was not ready to make concessions in this regard irrespective of the offer on the table. Sauer (2007a) similarly argued that the main reason the EU failed to persuade Iran to permanently suspend its nuclear enrichment activities was the lack of understanding and respect of Iran's interests. Some scholars have also focused on the EU's internal effectiveness, but with no linkage with the EU's ability to reach its goals. For instance, Dryburgh (2008) and Goldthau (2008) concluded that the EU demonstrated actorness and unity in dealing with Iran's nuclear issue. Harnisch (2007b) considered that the growing coherence between the EU MSs was by itself an achievement of the EU's foreign policy towards Iran.

Thus, the literature has mainly focused on the impact of the US's position the EU's effectiveness and little attention has been given to the impact of EU internal effectiveness and Iran's behaviour and response vis-à-vis the EU's demand on EU external effectiveness. To contribute to the existing literature, this chapter argues that both EU internal effectiveness and Iran's cooperation is necessary for the EU to reach its objectives. It also argues that the EU has not been able to find a comprehensive solution to Iran's nuclear issue in this stage mainly due to the lack of EU-US cooperation.

In order to develop the above argument, this chapter is divided into four main sections. In section one, focus is given to the emergence of Iran's nuclear dispute and the initial position of the main players in this crisis. The second section examines the joint diplomatic initiative by Germany, France and the UK (E3) towards Iran's nuclear issue and the limitations encountered. Section three focuses on the arrival of the EU HR to lead the negotiations and the importance of this role for the EU's internal effectiveness. Finally, section four analyses the Paris Agreement and the EU's proposal of August 2005 to find a comprehensive solution to Iran's nuclear issue.



## 1. Iran's nuclear programme

The contemporary controversy over Iran's nuclear programme originated during the revelations in August 2002. The National Council of Resistance of Iran, a political branch of the militant group Mujahadeen Khalq Organization, claimed that the Iranian government was building at least two previously undeclared nuclear fuel facilities: a heavy water plant under construction near Arak and a centrifuge enrichment plant near Natanz (IISS Strategic Comments, 2003; Kile, 2005a: 4; Mousavian and ShahidSaless, 2014: 174) (see also appendix VI for Iran's nuclear facilities). The IAEA Director General, Mohammed ElBaradei, also confirmed that the IAEA had been receiving information about a large industrial facility at Natanz with discernible details suggesting that the facility might be a uranium enrichment plant (ElBaradei, 2011: 112). This development, if verified by the IAEA, would be a real matter of contention between Iran and IAEA and other international players (Sauer, 2008: 274) as it would increase the potential that Iran could be seeking to develop its nuclear weapons capability (Tocha, 2009: 3; Sauer, 2011: 93).

In its first reaction, Iran denied these allegations, stating that it was not undertaking these nuclear activities without the knowledge of the IAEA and that all of Iran's nuclear activities were for peaceful purposes (The Associated Press, 13 December 2002; El-Khawas, 2005: 231). As a member of the NPT, which it signed in 1970, Iran is entitled under Article IV<sup>27</sup> to acquire nuclear technology for peaceful purposes and to establish and maintain a nuclear programme for civilian purposes. However, as such capabilities could also be used for nuclear weapons; Iran is obliged, as a non-nuclear weapons state, to declare most of such activities to the IAEA (Zak, 2002) and is legally bound not to acquire nuclear weapons (NPT, 1968: Article II). From this perspective, the Iranian nuclear crisis began to escalate when evidence suggested that Iran had not declared everything it should have to the IAEA (Sauer, 2008: 274).

On 22 February 2003, ElBaradei paid a visit to Tehran to investigate. During this visit, Iran formally revealed the existence of the Natanz facility, a large commercial-scale fuel enrichment plant under construction, and the heavy water production plant in Arak (The Guardian, 23 February 2003; ElBaradei, 2011: 114). ElBaradei confirmed Iran's uranium enrichment capability, noting that Iran's nuclear dossier would be brought to the IAEA Board of Governors for the first time (Mousavian, 2012: 59).

In fact, in its June 2003 report, the Agency confirmed that Iran had failed to meet its obligations under its safeguard agreement with respect to the reporting of nuclear materials and activities (IAEA Board of Governors, 2003a). Tehran also admitted that it had experimented in the past with uranium conversion, which is the first step towards uranium enrichment (Sauer, 2008: 274). Iran's failure to declare those facilities to the IAEA raised serious questions about its intentions (Moran and Hobbs, 2012: 202) and as such its nuclear activities have been a key concern for the EU and the IAEA (Fitzpatrick, 2006: 9).

It was against this backdrop that the EU, for the first time, got directly involved. The EU, at the General Affairs and External Relations Council on 16 June 2003, expressed serious concerns regarding Iran's nuclear fuel cycle and centrifuge activities, calling upon Iran to 'implement urgently and unconditionally an Additional Protocol' and 'to fully co-operate with the IAEA' as a significant step for Iran to demonstrate its peaceful intention with regard to its nuclear activities. The Council also decided that the TCA negotiations would be suspended until progress was made by Tehran on this issue (Council of the EU, 2003a).

Different preferences among the EU MSs emerged regarding linking the TCA negotiations to the Iran's nuclear issue. Some EU MSs, such as Italy, Spain and Austria, who had considerable trade links with Tehran, did not want to link the TCA with Iran to the nuclear problem (Sauer, 2008: 287). They thought it was very important to intensify the dialogue with Iran about nuclear issue, but at the same time, to keep channels of cooperation open with Iran in other areas (Interview with senior EU MS official, 2/3/2016). Spanish and Dutch officials believed that keeping the carrot of the TCA with the EU would be more effective while dealing with Iran's nuclear issue (Kaussler, 2014: 27).

However, other MSs, particularly Germany, France and Britain, seemed more eager to increase pressure on Iran. Germany and France called upon the EU to increase pressure on Iran to sign the IAEA Additional Protocol and to suspend its nuclear activities (The Associated Press, 8 July 2003). Britain further warned Iran that if it did not cooperate with the IAEA, its trade with the EU may suffer (The Associated Press, 30 June 2003). Nevertheless, the three big European countries promised negotiations, but without threatening economic sanctions (Sauer, 2011: 96). Then British foreign secretary, Jack Straw, while urging Iran to fully cooperate with the IAEA as soon as possible, confirmed 'with my colleagues in Germany and in France we want to have closer trade cooperation with Iran, but we have to say that progress in trade cooperation depends on progress in

issues of human rights and weapons of mass destruction' (The New York Times, 30 June 2003).

Contrary to the EU, the US pursued a more confrontational approach towards Iran's nuclear dispute (Portela, 2003: 21). Whilst the EU aimed to pursue dialogue with Iran and exhaust all diplomatic efforts before involving the UNSC (Fitzpatrick, 2006: 5), the US strongly refused diplomatic engagement with Iran and pushed for immediate referral of its case to the UNSC, raising the potential imposition of sanctions (Bowen and Kidd, 2004: 267). The US made it clear that the revelation of the Natanz facility was a clear indication of the secret intentions of Iran to develop nuclear weapons (Agence France Presse, 13 December 2002; Kibaroglu, 2007: 237).

The US also accused Iran of using the construction of power plants at Bushehr, for which Russia was the fuel supplier, as a cover for a nuclear weapons programme (Santini, 2010: 472). Accordingly, President Bush warned that the US 'will not tolerate the construction of a nuclear weapon' in Iran and its nuclear programme must be stopped immediately (The New York Times, 19 June 2003), refusing to rule out using military action as a last resort (Chubin and Litwak, 2003: 109). From the EU's perspective, immediate referral to the UNSC and the imposition of sanctions would only serve to undermine the moderate forces in the country (Interview with EU senior official, 3/3/2016). Nevertheless, the lack of unity (Calabrese, 2004) and cooperation (Einhorn, 2004: 23) between the EU and the US would be, as shall be explained later, one of the main obstacles in finding the solution to Iran's nuclear issue (Harnisch, 2007b: 40).

The swift US victory over Iraq in April 2003 made Americans confident in increasing pressure on Iran through involving the UNSC and thus punishing the regime instead of finding a diplomatic solution (Tarock, 2006: 656; Mousavian, 2012: 59-60). This subsequently increased fears inside the EU and Iran that the US hard approach and bellicose rhetoric might develop into a military crisis (Chubin, 2006: 66; Tarock, 2006: 648; Interview with senior EU official, 1/3/2016).

At the June 2003 IAEA Board meeting, the US pushed to refer the Iranian nuclear issue, raising the potential imposition of UNSC sanctions (Bolton, 2007: 138). For this matter, it had first tried to convince the E3, particularly the UK and France, as the sole European permanent members of the UNSC and legitimate nuclear weapons states, to refer Iran's nuclear case to the UNSC. However, its call received a tepid response from the E3, as well

as from the other EU Member States in the IAEA Board of Governors, Italy, Spain and the Netherlands, who were not willing to take strong actions against Iran (Bolton, 2007: 136-138). Russia and China also rejected referring Iran to the UNSC (Rouhani, 2005; Kaussler, 2012: 60), but Russia confirmed that it would not ship fresh fuel to Bushehr until the questions about Iran's nuclear programmes were resolved (Bolton, 2007: 136-137).

It is also worth it noting that the IAEA, which established in 1957, seeks and has a significant role to promote and transfer peaceful use of nuclear technology (IAEA, 2017). Under the NPT, the IAEA has an important role to verify that non-nuclear weapons states party to the NPT fulfil their obligations regarding non-proliferation which insure the use of nuclear energy exclusively for peaceful purposes (NPT, 1968: Article III). It has no power to punish members for their non-compliance with their commitments. However, it can refer a country's nuclear case to the UNSC when the nuclear activities of a member state raised questions that are within the competence of the UNSC. The IAEA Board of Governors, which consist of 35 members, pass resolutions by a simple majority in this regard (IAEA, 2017).

## **2. The E3's diplomatic initiatives**

The emergence of Iran's nuclear dispute, as highlighted above, was a matter of serious concern to all EU Member States. Importantly, there was a general consensus inside the EU that the Iranian nuclear problem should be resolved by diplomatic means (Interview with senior EU official, 3/3/2016) and Iran should be prevented from expanding its nuclear capabilities (Solana and Robertson, 2003). The first active engagement from the E3 emerged in October 2003 and then it became an EU initiative with the involvement of the EU HR in the negotiations in December 2003 (Sauer, 2007b: 28; Interview with senior EU official, 1/3/2016).

It is obvious that the E3 foreign policy priorities and national economic interests with Iran all differ, as discussed in the preceding chapter. Among the E3, Germany has never pursued a confrontational policy and has always maintained good relations with Iran (Roudsari, 2007: 6). In contrast, the UK has the most complicated and mistrustful relations with Iran. This is mainly due to its invasion of Iran during the World War II and its collaboration with the US to overthrow Mohammed Mossadegh government in 1953 (Tarock, 1999: 58). Moreover, during the 1990s, the UK was the only European country

that did not have an ambassador in Tehran due to the fatwa against Salman Rushdie (Tarock, 1999: 58). France had complicated relations with Iran during Iran-Iraq war in 1980s as France supported Iraq. However, France enjoyed closer economic and political relations with Tehran in the 1990s (Kutchesfahani, 2006: 18).

Nevertheless, no strategic differences appeared among the three in their efforts to address this issue (Kutchesfahani, 2006: 17). Unlike the Iraq war in 2003, which bitterly divided the EU, and in particular the E3 (Toje, 2005: 119; Kienzle, 2013: 431), they acted in a united fashion in the case of Iran (Goldthau, 2008: 41). Unlike the US, they did not believe that Iran had already made the decision to acquire nuclear weapons (Einhorn, 2004: 24), and thus they adopted the policy of dialogue with Iran rather than isolation and sanctions (Kutchesfahani, 2006: 18; Kaussler, 2012: 53).

The US's biggest ally the UK, from the beginning, aligned itself with the EU, refusing to isolate Iran (Foreign and Commonwealth Office, 2004). It confirmed that the US President Bush's speech 'axis of evil', which placed Iran in the same box with Iraq and North Korea, 'articulated a difference between the foreign policies of the United Kingdom and the United States' (House of Commons, 2004). Britain shared with Germany and France the goal of using negotiations to solve the Iranian nuclear issue and to protect against the risk of military action by the US (ElBaradei, 2011: 131; Mousavian, 2012: 103). While criticising the UK, Bolton stated that the UK joined the Europeans to burnish EU credentials and to show that it was not a complete follower to the US. He also stated the E3 were inspired by their 'desire to show that the EU could handle Iran differently from the way those unilateralist Bush administration cowboys had handled Iraq' (Bolton, 2007: 139).

This common position among the E3 towards Iran's nuclear issue was of particular importance for the EU's coherence, in particular after the Iraq crisis in 2003 (Einhorn, 2004: 24; Maull, 2008: 141). Thus, this united position among the E3 was a significant opportunity and motivation to rebuild intra-European relations after Iraq crisis and to overcome the deep splits within the EU (Onderčo, 2010: 4-7). The vehicle to do this was a joint initiative by the E3 that sought to engage Iran in negotiations with the aim of persuading it to cooperate fully with the IAEA and give assurances that its nuclear programme was exclusively for peaceful purposes (Maull, 2008: 141). In essence, the E3 diplomatic initiative was crucial to solve Iran's nuclear issue by diplomatic means and thus

prevent another military crisis, as well as for the EU's ability to effectively act in tackling non-proliferation issue.

Despite the pressure from the US (Bolton, 2007: 140), the E3 foreign ministers, Jack Straw, Joschka Fischer, and Dominique de Villepin, jointly decided to engage diplomatically with Iran's nuclear dispute. The first step they undertook was to send a letter to Iranian officials in early August 2003, demanding the country to sign and implement the IAEA Additional Protocol, cooperate fully with the IAEA and relinquish all of the activities related to the nuclear fuel cycle (Rouhani, 2005; Mousavian, 2010b: 149). In exchange, the E3 raised the prospect of cooperation on technology (Reuters, 19 September 2003).

Given that the E3 initiative derailed US efforts to refer Iran's nuclear case to the UNSC and further isolate the regime, the US immediately criticised the initiative and considered it a 'waste of time' (Bolton 2007: 139-141). In order to put more pressure on Iran, the EU HR, Javier Solana, visited Tehran to urge the country to cooperate with the IAEA and to sign the IAEA Additional Protocol, warning that the EU would review its cooperation with Tehran if it did not cooperate with the IAEA (Agence France Presse, 30 August 2003). In its response, Iran nevertheless confirmed that it would not give up its right to use nuclear technology for peaceful means, but it also declared that nuclear arms have had no place in Iran's policy as such arms are forbidden by Islamic and moral values (The Associated Press, 6 August 2003; Agence France Presse, 30 August 2003).

On the eve of the IAEA Board meeting in September 2003, while Iran had still not responded positively to the IAEA and the Europeans' demands (Mousavian, 2012: 71), the US increased its efforts to get a September IAEA Board referral to the UNSC. The US ambassador to the IAEA, Kenneth Brill, stated that 'the facts already established would fully justify an immediate finding of non-compliance by Iran with its safeguards violations' (Brill, 2003). However, the European members opposed the US call for rapid referral as this move might push the regime further towards the acquisition of nuclear weapons (Bowen and Kidd, 2004: 268). The E3 in particular wanted to give their initiative another chance (Bolton, 2007: 141). Russia and China also opposed any referral of Iranian nuclear issue to the UNSC (Mousavian, 2010b: 154-155). The US was left disappointed over the E3, and in particular, the UK position, as the US had expected a harder line from the UK than Germany and France (Bolton, 2007: 141).

Under these conditions, the IAEA passed a strongly worded resolution, which was drafted by the E3, on 12 September 2003. It unanimously gave Tehran a 31 October 2003 deadline to suspend all further uranium enrichment-related activities and to take all necessary actions, including ‘providing a full declaration of all important material and components relevant to the enrichment programme’(IAEA Board of Governors, 2003b). The IAEA resolution drafts, in the case of Iran, usually originated with E3 given their initiative in trying to find a solution, and were then circulated to other countries (ElBaradei, 2011: 128). Significantly, all EU MSs at the IAEA Board, the E3, Italy, Spain, Denmark, Belgium and the Netherlands, shared the same position by voting in favour of the resolution (IAEA Board of Governors, 2003c).

Furthermore, the EU, at the External Relations Council meeting in late September 2003, supported the IAEA resolution, calling upon Iran ‘to immediately comply with all requirement of the Resolution and fully cooperate with the IAEA’ and urged it to refrain from fuel cycle activities before the IAEA next meeting in November (Council of the EU, 2003d). Aiming to avoid being referred to the UNSC if it did not comply by the end of October 2003 (Rouhani, 2005), Iran expressed its readiness to find a solution to its nuclear issue. Indeed, it invited the E3 foreign ministers to have talks concerning its nuclear dispute and expressed its readiness to find a mutually beneficial solution (MEHR News Agency, 19 October 2003).

The E3 foreign ministers thus paid a visit to Tehran on 21 October 2003. The E3, in line with the EU position, wanted Iran to prove that its nuclear activities were peaceful, to suspend all uranium enrichment-related activities, to provide a full declaration of its nuclear enrichment activities and to sign the IAEA Additional Protocol (The Associated Press, 21 October 2003). Following extensive talks, the E3 and Iran signed the Tehran Agreement on 21 October 2003. Accordingly, Iran agreed to suspend its uranium enrichment and reprocessing activities during the course of ongoing negotiations with the E3 as a confidence building measure (ElBaradei, 2011: 121), but it would continue to assemble and test centrifuges (Rouhani, 2005).

Iran also committed to fully engage and cooperate with the IAEA, to address and resolve all IAEA requirements, as well as to sign the IAEA Additional Protocol, adhere to the protocol in the meantime, and to commence ratification procedures. In exchange, the E3 pledged that, once the IAEA and its concerns were fully resolved, it would provide Iran with easier access to modern technology, including nuclear technology (ElBaradei, 2011:

121). For Iran, it was very important that the E3 prevent reporting of Iran's nuclear dossier to the UNSC while negotiations were underway (Rouhani, 2005; Mousavian, 2010b: 159-162).

Despite this progress, the US explicitly criticised the E3 initiative and characterised its efforts as European unilateralism that undermined multilateral efforts (Arms Control Association, 2008) and that gave Iran 'precisely what it needed most: time to overcome the difficulties of mastering the nuclear fuel cycle' (Bolton, 2007: 143). Nevertheless, the EU welcomed Iran's decision to sign, ratify and apply the IAEA additional protocol, as well as to voluntarily suspend uranium enrichment and processing activities. It also underlined the importance of Iran's cooperation in this regard (Council of the EU, 2003f). The EU Council support also indicated implicit recognition of the E3's diplomatic initiative. Iran also considered the agreement a victory that curbed the US's efforts to bring Iran's nuclear case before the UNSC (The Associated Press, 22 October 2003) and prevented it carrying 'out a new Iraq in Iran' (Harnisch, 2007a: 10).

Soon after the agreement Iran submitted a declaration to the IAEA on its nuclear activities (Agence France Presse, 23 October 2003), admitting many activities Iran had previously denied and augmented the IAEA picture of Iran's nuclear programme with significant new information (ElBaradei, 2011: 121). Furthermore, Hassan Rouhani, the head of Iran's Supreme National Security Council, officially announced Iran's suspension of its nuclear enrichment activities and agreed to sign the IAEA Additional Protocol (The Associated Press, 10 November 2003).

However, Iran insisted that its uranium suspension was neither permanent nor legally binding. Rouhani confirmed that uranium enrichment was Iran's natural right and it would reserve for itself this right, saying 'we will suspend our activities for as long as we deem necessary, and we will resume our activities if we judge it necessary' (The Telegraph, 21 October 2003; Agence France Presse, 21 October 2003). He also made it clear to the E3 in Tehran that 'total termination of its nuclear fuel cycle activities was basically out of the question' and this matter should be put aside forever (Rouhani, 2005). Tehran further confirmed that if Europeans and the IAEA came up with excessive demands that might harm its interests and values, it would not hesitate to end cooperation (The Associated Press, 2 November 2003).



Importantly, the IAEA report on 10 November 2003 concluded that ‘there is no evidence that the previously undeclared nuclear material and activities... were related to a nuclear weapons programme’ (IAEA Board of Governors, 2003d). Straw, while defending the E3-Iran diplomatic progress, called the US to react calmly to the report, reiterating his country’s refusal to class Iran in the same league as Iraq as there was no evidence that Iran was developing a nuclear weapons programme (The Associated Press, 12 November 2003).

The US reacted furiously to the report and criticised the Agency for not taking a more hard-line position towards Iran (ElBaradei, 2011: 122), stating that the finding was ‘simply impossible to believe’ (The Associated Press, 13 November 2003). Despite the progress in E3-Iran negotiations, the US had continued working hard to keep the Iranian nuclear issue moving forward in the IAEA and the UNSC (MEHR News Agency, 27 November 2003). Prior to the IAEA November meeting, it increased pressure on the E3 (The Guardian, 21 November 2003), particularly the UK (Bolton, 2007: 147) to agree to refer the case to the UNSC. However, the E3 pushed for a softer resolution in order to encourage Iran to further cooperate with the IAEA requests (EU Observer, 25 November 2003). Germany was further pushing to reward the country for its cooperation since October 2003 with the IAEA (Agence France Presse, 26 November 2003). Britain reaffirmed that any referral to the UNSC could isolate Iran and put cooperation under threat (The Guardian, 21 November 2003).

In fact, due to the US pressure, the IAEA resolution on 26 November 2003 did not mention its previous conclusion that there was no evidence of Iran’s weapons programme. However, the resolution also did not refer Iran’s nuclear case to the UNSC. It further welcomed the E3 agreement with Iran in October 2003 and praised Iran’s decision to voluntarily suspend all enrichment-related and reprocessing activities, indicating its implicit recognition of the E3’s efforts to solve Iran’s nuclear issue (IAEA Board of Governors, 2003e).

Iran was satisfied that there was no reference to the UNSC (Rouhani, 2005). It further considered the resolution as a proof of its transparency (Agence France Presse, 26 November 2003). Importantly, Iran signed the IAEA Additional Protocol in December 2003 and decided to take further steps to cooperate with the IAEA (IAEA, 2003; Deutsche Presse-Agentur, 18 December 2003).

For the US, the resolution recorded another failure of its efforts to refer the case to the UNSC and found itself again at odds with Germany and France, as well as with its stalwart ally, Britain (The New York Times, 27 November 2003). In contrast, the E3 were satisfied with the resolution outcomes (Agence France Presse, 26 November 2003). Straw welcomed the resolution and considered it the result of the E3's 'intensive diplomatic consultations' with Iran (Foreign and Commonwealth office, 2003). The EU HR also expressed his satisfaction with what he importantly saw as 'EU efforts to curb the development of nuclear weapons in Iran through diplomacy' (Agence France Presse, 26 November 2003).

Moreover, in support of the ongoing diplomatic efforts, the EU, at the External Relations Council meeting in December 2003, welcomed Iran's commitment to comply with its requirements, reiterating its readiness to 'develop wider political and economic cooperation with Iran' once international confidence was built regarding the peaceful nature of Iran's nuclear programme. The EU External Relations Council also, for the first time since the involvement of the E3 in October, requested the HR to visit Tehran in early in 2004 to discuss the modalities of taking forward the EU's dialogue with Iran in all areas (Council of the EU, 2003g). It was against this backdrop that the EU HR, for the first time, was joined formally the E3 negotiation team (Interview with senior EU official, 1/3/2016; Interview with senior EU official, 3/3/2016) to increase the EU coherence and to integrate the E3 within the EU (Sauer, 2008: 276; Kienzle, 2012: 88, Meier, 2013: 4).

Thus, it was apparent that the E3 initiative was important to establish a diplomatic pathway that Iran's nuclear issue would be solved peacefully. Importantly, the E3 acted in line with the EU position, aiming to find a diplomatic solution to Iran's nuclear issue and bringing Iran to build confidence that ensure the peaceful nature of its nuclear activities. There was a general consensus that the EU should take action in order to resolve Iran's nuclear dispute that might develop into a military escalation (Interview with senior EU MS official, 29/2/2017; Interview with senior EU official, 1/3/2016; Interview with senior EU MS official, 2/3/2016).

Given in the beginning the E3 was not officially authorised by the EU Council, some analysts have argued that such authorisation was necessary for the EU's ability to act coherently (Harnisch, 2007a: 10; Santini, 2010: 474). It was also argued that official support from all MSs was necessary enable the E3 to offer Iran incentives, such as TCA, and to take harsher positions such as referring Iran to the UNSC and imposing trade

restrictions if the negotiations failed (Meier, 2013: 4). This is mainly because such decisions need to be taken in the EU Council and each MSs has the veto power to block such decisions.

However, an implicit or informal support from EU Council and MSs does matter in this regard. Neither the EU Council nor MSs did explicitly oppose the E3 initiative, indicating an implicit recognition of their efforts. Rather, Several EU council conclusions supported the ongoing diplomatic efforts and praised Iran's cooperation (Council of the EU, 2003a; 2003b; 2003d; 2003e; 2003f; 2003g). Iran's nuclear programme was a serious concern to all MSs and thus there was no serious opposition from any of the EU MSs regarding the E3 initiative (Interview with senior EU MS official, 2/3/2016). Some MSs, such as Italy, who was holding the EU Presidency at the time, and Spain may not have been satisfied with being excluded for the E3 (Bergenäs, 2010: 499) or there was a concern among MSs that they did not like to be dictated to by the E3 (Interview with senior EU official, 3/3/2016). However, as an Italian official confirmed, there was an acceptance that France and the UK, in light of their permanent membership of the UNSC, would best speak for Europe, with the addition of Iran's biggest European trading partner, Germany (Santini, 2010: 472).

Moreover, 'the EU Council and other EU MSs were aware of the E3 initiative and there was backing even if not officially' (Interview with senior EU official, 1/3/2016). Solana further rebuffed a suggestion that the Tehran Agreement was not specifically a success for EU diplomacy since it was finalised by the E3. He also pointed out that he had travelled to Iran in August 2003 and had talked to both the E3 and Iranian officials and thus 'the initiative of engagement of the European Union with Tehran is not new' (Agence France Presse, 21 October 2003). Therefore, the E3 policy is 'within the policy of the European Union, no doubt about that' and would allow for the objectives of the EU to be met (Solana and Robertson, 2003). Likewise, the Italian Foreign Minister stated that the commitments made by Tehran reflected and corresponded to the requests made by the EU as a whole (Agence France Presse, 21 October 2003). Although he was critical that the European Presidency was not involved, he confirmed that the E3 'initiative was followed and supported by the presidency' (Agence France Presse, 22 October 2003).

Since September 2003 the EU Member States in the IAEA Board of Governors such as Italy, Spain, the Netherlands, Denmark, Portugal, Belgium, Sweden, together with the E3 presented a common position, voting, for instance, in favour of the September and November 2003 resolutions, which were drafted by the E3. A European diplomat stressed

that all European members of the IAEA Board of Governors supported the E3 position and shared a common stance not to refer Iran's nuclear case to the UNSC (MEHR News Agency, 18 November 2003). Hence, it became apparent that E3 initiative arose from and was being carried out within the framework of EU policy (Dryburgh, 2008: 263). However, to tackle any formal shortcomings of EU autonomy and coherence, the EU HR was soon included in the negotiations in late 2003, transforming the E3 into the E3/EU (composed of Germany, France and Britain plus the EU HR ) (Santini, 2010: 475) .

### **3.From the E3 to the E3/EU**

Since the involvement of the EU HR in the negotiations in December 2003, the EU increasingly demonstrated further autonomy and coherence. Following the E3 initiative, it soon became clear that the EU's formal involvement in negotiations with Iran would strengthen the EU's hand (Van Ham, 2011: 11), enhance its coherence (Roudsair, 2007: 8; Harnisch, 2007a: 9) and its capacity to act (Posch, 2006: 104; Kutchesfahani, 2006: 5-6). To this end, the involvement of the EU HR was inevitable, which was indeed what happened by the end of 2003 (Onderčo, 2010: 11) and since his involvement that mandate was supported officially by all EU MSs (Interview with senior EU official, 3/3/2016).

The inclusion of the EU HR was significant for gaining official support and a mandate from all EU MSs and to establish a common policy (Roudsari, 2007: 8; Santini, 2010: 472; Meier, 2013: 4). This view was confirmed by an EU senior official who stated that:

If there was any concern regarding the E3 initiative, this has been soon resolved by the involvement of the EU HR Solana. Since then the E3 plus Solana represented the whole EU and presented a common position. Although the first impulse was from E3, Solana was soon afterwards associated to this process and with this the entire EU because once Solana was associated, this became the European initiative as such so not just initiative of E3 (Interview, 1/3/2016).

Solana visited Tehran in January 2004 to reinforce the E3 initiative and achievements (Santini, 2010: 475), thereby confirming the EU collective policy and the importance of this involvement that was supported by all EU MSs (Council of the EU, 2004a). Given Solana was representing all MSs, he would conduct negotiations with Tehran on behalf of

the whole EU as a main interlocutor between the E3 and other EU MSs, as well as with Iran (Sauer, 2007a: 631), reporting developments to the EU Council, Political and Security Committee and to the European Parliament (Santini, 2010: 475). Indeed, following his involvement he became the main interlocutor, together with the E3, for the negotiations over the Paris Agreement with Iran (Interview with senior EU official, 1/3/2004).

The EU's demonstration of an autonomous and coherent position was followed by more cooperative behavior from Iran. Following Solana's visit to Tehran on 12 January 2004, Iran expressed its readiness to solve the remaining issues with the IAEA and to expand ties with the EU (Deutsche Presse-Agentur, 12 January 2004). Iran wanted the E3/EU to recognise its rights and facilitate its access to nuclear technology for peaceful purposes (The Associated Press, 14 January 2004), to facilitate its accession to the WTO and to normalise Iran-IAEA relations and thus close its nuclear case from the IAEA agenda (Rouhani, 2005). Rouhani also confirmed to Solana that Iran will not accept restrictions on its right to a peaceful nuclear programme, including enriching uranium (MEHR News Agency, 12 January 2004).

In fact, Iran, after discussions with the EU in Brussels, on 24 February, just hours before the IAEA report, agreed to extend the scope of its suspension to include the assembly and testing of centrifuges in all its facilities (Agence France Presse, 25 February 2004). Rouhani stated that in return for this suspension, Iran wanted to close its nuclear case in the June 2004 summit (Rouhani, 2005).

Furthermore, the IAEA report on 24 February 2004 confirmed that 'Iran has presented all declared nuclear material to the Agency for its verification' and it 'has been actively cooperating with the Agency in providing access to locations requested by the Agency'. However, the Agency also confirmed it found traces of polonium in Iran that could be used to generate electricity, but also for military purposes. It also found a new type of more advanced centrifuge design P-2<sup>28</sup> (IAEA Board of Governors, 2004a). The Agency raised its 'serious concerns' that these findings were 'counter to Iran's declaration' in October 2003 of full transparency (IAEA Board of Governors, 2004a).

At this juncture, despite the EU's internal effectiveness and despite Iran's ongoing cooperation, the US's negative position remained the main setback for the E3/EU's efforts. Prior to the March 2004 IAEA Board of Governors meeting for instance, the E3, backed by other European countries, wanted the resolution to emphasise Iran's progress in

cooperating with the IAEA (The Associated Press, 7 March 2004). In fact, the E3 requested from the IAEA to remove Iran's nuclear issue from the agenda of its Board meeting, but the US objected (ElBaradei, 2011: 128) and criticized the EU's soft stance (The Associated Press, 8 March 2004). The US claimed that the IAEA report strengthened its allegations that Iran's nuclear programme 'is clearly geared' towards acquiring military weapons (The Associated Press, 25 February 2004) and thus, backed by Canada and Australia, it insisted using strong language to condemn Iran (The Guardian, 8 March 2004; ElBaradei, 2011: 128).

The US strongly condemned Iran's behaviour and policy of deception and delay. However, the UK, France and Germany, in a softer language, praised Iran's cooperation with the IAEA, whilst also deploring the failure of Iran to declare its possession of P-2 centrifuge design and related Research and Development (R&D) activities (IAEA Board of Governors, 2004c). Due to these divergent views, the IAEA resolution on 13 March 2004 came as a compromise. It praised Iran's cooperation with the IAEA and its decision to extend the scope of suspension, but it also noted serious concerns and deplored that 'the declarations made by Iran in October 2003 did not amount to the complete and final picture of Iran's past and present nuclear programme' (IAEA Board of Governors, 2004b). Accordingly, it was obvious that the US's position and the lack of EU-US cooperation had not only become an obstacle to find a mutually agreed solution, but also a main factor in Iran's behaviour.

In its reaction, Iran expressed its frustration that despite the remarkable progress it had made, the resolution presented a serious setback and it 'had been imposed on the Board by a single country [US] and a few associates' (IAEA Board of Governors, 2004c). Tehran also expressed its disappointment that European states yielded to US pressure in agreeing to a tough draft resolution condemning Iran. Iran's IAEA ambassador, Pirooz Hosseini, declared 'We expected more from our European colleagues but there was too much pressure, unconstructive pressure, by the Americans' (Agence France Presse, 13 March 2004).

Following these developments, Iran pursued a less cooperative policy, which further constrained the effectiveness of the EU. The first setback for the EU occurred when Iran announced the inauguration of a plant in the central city of Isfahan, in late March 2004, for processing uranium ore into gas, the prior step before uranium enrichment, reiterating that

its suspension was temporary and would resume one day (MEHR News Agency, 29 March 2004).

Iran's decision to inaugurate nuclear work at the Isfahan facility was denounced by Solana and the E3 (Agence France Presse, 31 March 2004; The Guardian, 1 April 2004). However, suspension of Iran's nuclear enrichment activities without reciprocal concessions was not acceptable for Iran. It thus insisted that it would neither give in to pressure from the EU nor accept any preconditions (Deutsche Presse-Agentur, 4 April 2004).

Nevertheless, in an attempt to avoid referring its nuclear case to the UNSC, Iran submitted a second report to the IAEA on 21 May 2004. It provided broader information about its nuclear activities that could enable the Agency to conclude the peaceful nature of Tehran's nuclear programme (MEHR News Agency, 22 May 2004). Iran at the same time threatened to resume enrichment if the EU and the IAEA gave in to pressure from the US (Deutsche Presse-Agentur, 23 May 2004; The Associated Press, 27 May 2004). Rouhani made it clear that if the IAEA June report was negative, he and his colleagues would not be able to continue their current level of cooperation or even keep their posts, partially due to the increasing pressure from hard-liners, who had gained control of the Parliament (ElBaradei, 2011: 135).

The IAEA report, on 1 June 2004, was not as positive as Iran wished. The report was far from making a final verdict, as Tehran had hoped, that the Iranian nuclear programme was exclusively for peaceful purposes (The Associated Press, 2 June 2004). It was also not critical enough to marshal support from the Europeans, Russia, China and others at the Board meeting to refer the case to the UNSC (The New York Times, 3 June 2004). Although the report commended Iran's cooperation with the IAEA and had not found compelling evidence of a nuclear weapon programme, it also confirmed that a number of issues remained outstanding, in particular, the origin of highly enriched uranium at several nuclear sites and accused Iran of providing contradictory information on these issues (IAEA Board of Governors, 2004d). According to a German diplomat, the E3/EU was not ready to break off cooperation with Iran due to the issues of concern raised in the report (Agence France Presse, 6 June 2004). It was also apparent, however, that the E3/EU would not support Iran's goal to normalise the nuclear issue in the next IAEA Board meeting (Mousavian, 2010b: 171).

The Iranian president, Mohammad Khatami, meanwhile threatened to resume enrichment activities if the E3/EU failed to comply with their obligations (The New York Times, 17 June 2004). However, the IAEA Board's resolution on 18 June 2004 further disappointed Iran as it marked another failure of the country to comply with its demands. It unanimously acknowledged that Iranian cooperation enabled the IAEA to access to all requested locations. Nevertheless, it equally deplored the fact that, overall, 'Iran's cooperation has not been as full, timely and proactive as it should have been' (IAEA Board of Governors, 2004e). Given this condemnation came closer to the US's position, the US welcomed the Board's adoption of the resolution submitted by E3, which put the Board on record as 'rejecting Iran's continuing tactics of delay, denial and deception with regard to its nuclear programme' (IAEA Board of Governors, 2004f). It seemed thus that without the EU-US cooperation in this particular stage, the EU was unable to find a diplomatic solution to the nuclear issue and neither was the US able to successfully increase pressure on the Iran to comply with IAEA demands.

Condemnation by the E3/EU Member States (in various tones), the US's harsh position and the failure to adequately address Iran's demands led Iran to be less cooperative. In harsh criticism, the Iranian representative to the IAEA, Amir Zamaninia, said that the tone and content of the resolution was influenced by the US's will to derail the process (IAEA Board of Governors, 2004f). Iran Foreign Minister, Manouchehr Mottaki, and Rouhani also accused the E3/EU of failing to meet their commitments toward Iran and thus Iran was no longer committed to the Tehran Agreement (The Guardian, 28 June 2004). Khatami also confirmed that his country is 'not committed any longer to the promise to expand the suspension to include building centrifuges' (The Associated Press, 14 July 2004). In a defiant move, Iran removed the Agency's seals and resumed manufacturing and testing centrifuges (Mousavian, 2010b: 172; ElBaradei, 2011: 136), but still did not resume uranium enrichment (The Associated Press, 27 July 2004).

The US National Security Advisor, Condoleezza Rice, stated that the new developments assured everyone that Iran was indeed developing a nuclear weapon (The Washington Post, 9 August 2004), and thus the US called on the E3/EU and other powers to immediately refer Iran's case to the UNSC for possible sanctions (The White House Bulletin, 17 August 2004). Although the EU did not support the immediate involvement of the UNSC, Iran's decision to resume manufacturing and testing centrifuges increased the EU's concern about the intention of the country's nuclear policy and thus sought to increase pressure on Iran (Interview with Senior EU official, 1/3/2016; Interview with



senior EU MSs official, 2/3/2016). The Dutch foreign minister, Bernard Bot, speaking on behalf of the EU presidency, stated that the EU ministers were of the view that involving the UNSC at this time could provoke Iran to end its cooperation with the IAEA and eventually resume uranium enrichment (Iran Focus, 6 September 2004). Simultaneously, the EU was putting pressure on Iran to acquiesce to ‘full compliance’ with ‘suspension commitments’ and other commitments (Council of the EU, 2004c).

Germany, France and the UK also criticised Iran and toughened their stance on it to fully cooperate with the IAEA before the end of November, failing which they could support referring its case to the UNSC (Sauer, 2007a: 619; Mousavian, 2010b: 174). This direction towards increasing pressure on Iran to comply with the IAEA demands came closer to the US position. However, given Iran had not yet crossed the ‘red line’ of resuming uranium enrichment, the EU did not support immediate referral of Iran’s case to the UNSC (Interview with senior EU official, 1/3/2016). It thought that any involvement of the UNSC would derail its diplomatic efforts to revive its deal with Iran (Bolton, 2007: 155).

In fact, the E3 prepared and submitted a draft resolution that demanded Iran to comply with the IAEA requests before the next IAEA Board meeting at the end of November 2004 (The Associated Press, 11 September 2004). However, it did not include an automatic trigger to send the file to the UNSC if Iran did not comply, the very matter pushed by the US (Sauer, 2007a: 619; The Washington Post, 18 September 2004). Fully supporting this direction and underlying the EU’s common position, the EU General Affairs and External Relations Council further confirmed its full support for efforts undertaken by Solana and the E3 in this regard (Council of the EU, 2004c).

The IAEA resolution was eventually adopted by consensus on 18 September 2004. As the E3/EU demanded, it set the end of November a deadline for a full review of Iran’s alleged nuclear activities and called upon the country to ‘immediately suspend all enrichment-related activities’, but it stopped short of any reference to the UNSC (IAEA Board of Governors, 2004g). The resolution was indeed an alarm for Tehran as it brought its case closer to the UNSC (Mousavian, 2012: 143). However, Rouhani rejected the IAEA call to freeze all work on uranium enrichment and considered it ‘illegal’, but confirmed that his country would nonetheless continue with its voluntary suspension (The Associated Press, 19 September 2004).

#### **4. The Paris Agreement and the difficult negotiations over a long-term solution**

In response to Iran's failure to fully cooperate with the IAEA (IAEA Board of Governors, 2004e) and its decision to manufacture and test centrifuges (ElBaradei, 2011: 136), the E3/EU started to increase pressure on Iran by threatening to support referring its nuclear case to the UNSC if it did not comply with the IAEA demands by the end of November 2004 (Sauer, 2008: 276). In his meeting with Iran's Foreign Minister, Kamal Kharrazi, Solana made it clear that Iran 'must make a real effort and show concrete progress on the suspension of uranium enrichment and related activities' (Solana, 2004a).

In fact, the E3/EU proposed an overall deal with Iran in late October 2004 that would include the broader negotiations and economic incentives, including supplying a light-water reactor if Tehran suspend all enrichment activities (Agence France Presse, 21 October 2004; ElBaradei, 2011: 139). Aiming to avoid the consequences of the E3/EU's threat, Iran eventually agreed to suspend its enrichment and reprocessing R&D as a precondition for negotiations (Sauer, 2008: 276; ElBaradei, 2011: 139). Nevertheless, the US continued to refuse to support any diplomatic engagement with Iran. It expressed its scepticisms about the E3/EU's offer (The New York Times, 16 October 2004) and therefore declared that it would not be a party to such an offer and agreement (Financial Times, 21 October 2004).

Underlining its common position, the EU, at its presidency conclusions on 5 November 2004, fully supported the E3/EU's efforts, stating 'the EU and its member states would remain actively engaged – notably through the efforts of France, Germany, the United Kingdom and the High Representative – with the objective of achieving progress on the Iranian nuclear issue' (Council of the EU, 2004e). On 15 November 2004, the negotiations between the E3/EU and Iran eventually resulted in the so-called Paris Agreement as a starting ground to find a sustainable long-term agreement. Importantly, Iran affirmed that it would not seek to acquire nuclear weapons and committed itself to immediately suspending all enrichment-related and reprocessing activities as a voluntary confidence-building measure, but not as a legal obligation and just for the period of negotiations, pending a long-term solution. Iran also committed to full cooperation and transparency with IAEA and agreed to continue implementing voluntarily the IAEA Additional Protocol.

In return, the E3/EU affirmed Iran's right to develop nuclear energy for peaceful purposes in accordance with the NPT. The E3/EU also agreed that the negotiations on TCA with Iran

would be resumed and the E3/EU would actively support the opening of WTO accession negotiations with Iran once the IAEA verified the full suspension had been put into effect (IAEA Information Circular, 2004). The E3/EU also reiterated its commitment to prevent Iran's nuclear case from being reported to the UNSC while the negotiations towards a long-term agreement are underway (Mousavian, 2010b: 176).

More promising, compared to the Tehran Agreement, objective guarantees would be provided by Iran that its nuclear programme would be exclusively for peaceful purposes in exchange for firm guarantees provided by the E3/EU on nuclear, technological, economic cooperation and firm commitments on security issues. Furthermore, the accord set out working groups on political and security issues, technology and cooperation work. A steering committee was to meet to launch these negotiations in December 2004 by setting up working groups (IAEA Information Circular, 2004). Solana welcomed the agreement and confirmed that this agreement was:

Only the start. We now need to work rapidly to produce a solid long-term agreement. This should on the one hand provide lasting confidence in the peaceful nature of Iran's nuclear programme and on the other bring concrete results in the area of trade, technology exchange and security, as well as in the nuclear dimension. This will not be an easy task but we have taken the first step and that is very important (Solana, 2004b).

Based on the above discussion, it can be said that EU internal effectiveness along with Iran's desire to avoid being referred to the UNSC and its readiness to cooperate to find a negotiated agreement supported the external effectiveness of the EU. The Paris Agreement was indeed 'effective in terms of Iran did suspend its all enrichment activities. It also created a framework for further negotiations' (Interview with senior EU official, 3/3/2016).

The US soon criticised the agreement on the basis that it would undermine its efforts to refer Iran's nuclear case to the UNSC (Bolton, 2007: 317). The spokesman of the US Department of State, Richard Boucher, confirmed that the US position would remain that Iran's nuclear dossier should be reviewed by the UNSC (The Associated Press, 15 November 2004). However, the US's efforts to refer the country's case to the UNSC once again failed in the IAEA Board meeting on 29 November 2004. Instead, the IAEA resolution was one of the most positive on Iran's nuclear programme (Mousavian, 2012: 158). It endorsed the Paris Agreement, explicitly recognising the E3/EU's diplomatic

efforts. It further welcomed Iran's decision to continue and extend its suspension of all enrichment related and reprocessing activities as an essential measure to address outstanding issues. It also emphasised the voluntary and non-legally binding nature of this suspension. Furthermore, it noted specifically that progress has been made since October 2003 in Iran's correction of its past breaches (IAEA Board of Governors, 2004h).

Following the IAEA resolution, Solana welcomed the resolution and stated that 'I am pleased that IAEA has been able to verify Iran's full and complete suspension of uranium enrichment activities...we look to Iran to maintain this full suspension without exception under the verification of the IAEA' (Solana, 2004c). Although the US was not pleased with the resolution as it did not refer Iran to the UNSC, it did not block it (ElBaradei, 2011: 142). The US wanted to give the E3/EU initiative a chance though it doubted it would succeed without the US on board since, for example, Iran could not join the WTO nor negotiate any security guarantees without US support (Erástó, 2011: 408).

However, the main stumbling block for the negotiations occurred over the E3/EU's call for Iran to permanently suspend its nuclear enrichment activities, which was indeed a move towards the US position. The differences between the E3/EU and Iran soon occurred over the understandings of the 'objective guarantees', which then became the most difficult aspect for the negotiations over a comprehensive solution (Leonard, 2005: 5; Mousavian, 2012: 162). For Tehran, its commitment to the NPT and the Safeguards Agreement, implementation of the IAEA Additional Protocol, transparency and cooperation with the IAEA were the best objective guarantees to ensure that its nuclear programme was for peaceful purposes. In exchange, the official recognition of its right to enrich uranium was the key prerequisite for compromise (Mousavian, 2012: 162). Nevertheless, the E3/EU dismissed Iran's demand to be able to enrich uranium (Kile, 2005a: 19; Mousavian, 2010b: 180) and it wanted Iran to permanently abandon enrichment as an 'objective guarantee' that it is not developing nuclear weapons (Agence France Presse, 10 March 2005).

After several working group meetings, the E3 and Solana, in their report to the EU Council on 10 March 2005, confirmed that the issue of 'objective guarantees' remained the most difficult and the main point of contention. The E3/EU recognised Iran's right to develop nuclear energy and access to nuclear technology for peaceful purposes. However, it did not recognise its right to enrich uranium. The report further confirmed that Iran must maintain the suspension of all its nuclear enrichment activities and fully cooperate with the IAEA, threatening that:

If Iran does not do so, then as has been implicit in the agreements reached with Iran and well understood by all concerned, we shall have no choice but to support referring Iran's nuclear programme to the UN Security Council (Council of the EU, 2005a).

Given the E3/EU's call for Iran to abandon its nuclear enrichment activities came much closer to the US position, the latter expressed its readiness to take practical steps to support European efforts to extract objective guarantees from Iran that its nuclear programme would be exclusively for peaceful purposes. To this end, the US agreed to drop its objection to Iran's application to the WTO and considered the licensing of spare parts for Iranian aircraft as additional incentives to Iran to abandon its enrichment programme (Rice, 2005; The Associated Press, 10 March 2005).

However, this offer was conditional upon permanent suspension of Iran's nuclear enrichment (Rice, 2005). Furthermore, the US's support came in principle as a compromise for the E3/EU's support to refer Iran's case to the UNSC if talks failed (Kile, 2005a: 19; Leverett, 2006: 13; Fitzpatrick, 2008a: 31). The US realised that without the E3/EU's support it was difficult to take Iran to the UNSC, but if the E3/EU joined the US it would make it easier to persuade Russia and China to agree to this step (Bolton, 2007: 151-152). The US Secretary of State stated that:

We are thinking of making some adjustments in the Iran policy on the World Trade Organization and airplane spare parts, not to help the Europeans, but to avoid our being blamed as the party responsible for the collapse of the EU-3/Iran talks (Bolton, 2007: 318-319).

Nevertheless, Iran refused the US conditional incentives, insisting that the country would never agree to a permanent cessation of enrichment (The New York Times, 11 March 2005). Iran's Foreign Minister stated that 'our legitimate rights can't be compensated through economic incentives'. He further confirmed that the only effective incentive would be to drop opposition to Iran's right to enrich uranium (The Associated Press, 15 March 2005). Tehran was ready to accept intrusive transparency measures that would include guarantees on the permanent ban on developing, stockpiling and using nuclear weapons and to guarantee not to expand the enrichment programme in exchange for respect for its right to enrich limited uranium under the NPT (Kile, 2006: 621; Harnisch, 2007a: 12; Mousavian and ShahidSaless, 2014: 175).

In March 2005, Iran presented an offer at an E3/EU-Iran steering committee meeting, containing the idea of gradually restarting limited uranium enrichment while building confidence with Europe (Kile, 2005a: 18; Mousavian, 2012: 166-168). President Khatami pointed out that the Iranian proposal and cooperation indicated Tehran's willingness to find a negotiated solution (The Associated Press, 16 March 2005). At the same time, Tehran refused any threat from the E3/EU, stressing that the negotiating period was not 'indefinite' and that if no 'reasonable agreement' were reached, Iran could break off the talks and the E3/EU therefore had to accept Iran's uranium enrichment (MEHR News Agency, 23 March 2005).

However, the E3/EU dismissed Iran's proposal and reiterated its demand for a permanent suspension. Thus, the negotiations between the E3/EU and Iran in late April 2005 ended without agreement (The Associated Press, 29 April 2005). The US also made it clear that it would oppose any proposal or agreement that might allow Iran to have limited uranium enrichment. Deputy State Department Spokesman Adam Ereli confirmed that 'we and the EU-3 remain united in the view that only a full cessation and dismantling of Iran's sensitive nuclear fuel cycle pursuits can provide the kind of confidence we're looking for that Iran has abandoned its nuclear weapons program' (Agence France Presse, 30 March 2005).

Under these circumstances, the negotiations between the E3/EU and Iran became more complicated than ever and there was little chance of reaching an agreement (Iran Focus, 24 May 2005). While the Iranian presidential election was coming up in June 2005 and the political debates were heated over Iran's nuclear programme, the pressure increased on Khatami's government to show progress of its cooperative approach (ElBaradei, 2011: 143). Iran therefore threatened to resume nuclear conversion and enrichment activities (Bolton, 2007: 320).

In addition to the lack of consideration of Iran's demands and the lack of EU-US cooperation, the coming to power of the hardline president, Mahmoud Ahmadinejad, in June 2005 added another hindrance to the negotiations. Once in office, Ahmadinejad announced his policy of less pragmatism and more conservatism, vowing to 'build up an exemplary, developed and powerful Islamic society' on the principles of the Islamic Revolution (IRNA, 25 June 2005). He also showed more confrontational rhetoric towards the West. He soon stated that his victory defeated Iran's 'enemies', in particular the US (Agence France Presse, 26 June 2005). He further promised only to 'work with any country in the world that does not show animosity to Iran.' (FARS News Agency, 25 June 2005).

Concerning the nuclear issue, Ahmadinejad urged a more confrontational stance in a tense nuclear standoff with the international community, challenging that Iran has a ‘legitimate right’ to press on with nuclear work regardless of the consequences (Agence France Presse, 25 June 2005; Mousavian, 2012: 187). In his presidency address, Ahmadinejad promised Iran would continue with its nuclear programme despite intense pressure from the West (The Guardian, 3 August 2005). Regarding the negotiations with the E3/EU, he stated that only ‘Based on the national interests of the Islamic republic of Iran, we will continue negotiations. But trust must be mutual’ (FARS News Agency, 25 June 2005). He further criticized Iran’s current negotiators as making too many concessions to Europe, particularly in freezing the uranium enrichment programme (The Associated Press, 24 June 2005).

Thus, soon the new president named hardliners to his cabinet and announced his intention to convert uranium for enrichment at the Isfahan facility and to resume enrichment activities (Asharq Al-Awsat, 14 August 2005; Bowen and Brewer, 2011: 933). In fact, before even receiving the E3/EU proposal for a long-term solution, Iran began to send messages that it would not accept full suspension (ElBaradei, 2011: 144). Hence, it came as no surprise that Iran immediately rejected the E3/EU proposal for a long-term solution when it arrived in August 2005 (Sauer, 2008: 277; Meier, 2013: 7).

On 5 August 2005, the E3/EU eventually delivered its proposal for a ‘framework for a long-term agreement’ to Iran that would lead to new and expanded political, security, economic and technological relations between the two parties based on cooperation. The E3/EU reaffirmed ‘Iran’s inalienable rights to the peaceful use of nuclear energy exercised in conformity with NPT’ and offered Iran assurances of fuel supply for her light water power and research reactors. In return, Iran was to suspend any fuel cycle and enrichment activities, make a legally binding commitment not to withdraw from the NPT, fully implement the IAEA Additional Protocol and cooperate proactively and in a transparent manner with the IAEA (IAEA Information Circular, 2005a).

The E3/EU’s call on Iran to permanently and legally commit to suspend all its nuclear enrichment activities was a further move towards the US position. In fact, for this very reason, the US, for the first time, explicitly supported the E3/EU’s proposal (Deutsche Presse-Agentur, 5 August 2005). The US Under-secretary of State, Nicholas Burns, stated that the US was ‘very much in support’ of the E3/EU’s proposal, considering it as ‘a good

one for the Iranians to consider and we would urge that they do so' (Agence France Presse, 5 August 2005).

Iran strongly criticised the E3/EU's proposal and demand of permanent suspension of enrichment, accusing the E3/EU of giving in to the US policy (Asharq Al-Awsat, 6 August 2005). The proposal never even mentioned the terms 'objective guarantees', 'firm guarantees', or 'firm commitments', which were the foundations of the Paris Agreement, and it did not include guarantees to facilitate Iran's access to technology (IAEA Information Circular, 2005b). Iran therefore rejected the proposal in a couple of hours, stating that it was not worth studying it (Interview with senior EU official, 3/3/2016) and that it amounted to 'an insult on the Iranian nation, for which the E3/EU must apologize' (The Guardian, 9 August 2005). Just a few days later, Iran removed the IAEA seals from the conversion facility in Isfahan and began uranium conversion activities (MEHR News Agency, 10 August 2005; ElBaradei, 2011: 145).

This move was considered by the EU as a clear violation of the Paris Agreement (Interview with senior EU official, 3/3/2016). Thus, it immediately condemned Iran's unilateral resumption of conversion activities in Isfahan facility without any consideration of the EU's proposal (Council of the EU, 2005b). The resumption of uranium conversion was regarded by the E3/EU as a transgression of a 'red line' (Sauer, 2008: 277). Ahmadinejad's conflictual and confrontational rhetoric and his defiant policy was an alarm bell that led the EU to toughen its stance on Iran and thus pushed to refer its nuclear issue to the UNSC (Interview with senior EU official, 1/3/2016).

In fact, the E3 proposed a draft resolution that called to report Iran to the UNSC, but Russia and China strongly opposed this move (Agence France Presse, 20 September 2005; Taylor, 2009: 83). Some EU MSs such as Italy, Spain and Portugal did not support such action at the time (The Associated Press, 15 September 2005; Agence France Presse, 20 September 2005). The E3 was unwilling to break the consensus spirit of Vienna (Bolton, 2007: 321). Therefore, to preserve unity and also to persuade Russia and China not to vote against the upcoming resolution (Sauer, 2007a: 620), the E3 retreated from referring Iran's case to the UNSC (The Associated Press, 21 September 2005). French Foreign Minister, Philippe Douste-Blazy, said the priority for the E3 was keeping unity among all international actors as a mean of putting pressure on Iran (Agence France Presse, 22 September 2005).



On 24 September 2005, the IAEA, for the first time, found Iran in ‘non-compliance’ with the NPT Safeguards Agreement, but it did not refer Iran’s nuclear case to the UNSC (IAEA Board of Governors, 2005). However, the term ‘non-compliance’ ‘made eventual referral to the UN Security Council a certainty’ (ElBaradei, 2011: 145). Notably, the EU Member States at the IAEA Board, Italy, the Netherlands, Sweden and Portugal, alongside with the E3 acted as one group, voting in favour of the resolution. The EU Council also fully supported the IAEA Board resolution and urged Iran to ‘reinstating a full suspension of all fuel cycle activities’ (Council of the EU, 2005c).

Iran rejected the IAEA resolution and considered it as ‘illegal and illogical’ (The Associated Press, 25 September 2005) and politically motivated by the US and the E3, given that only 22 out of 35 members voted in favour (A Daily Briefing on Iran, 24 September 2005). Iran’s Parliament further approved legislation requiring the government to block the IAEA inspections of the country’s nuclear facilities if the IAEA referred it to the UNSC (The Telegraph, 20 November 2005). While the negotiations between the E3/EU and Iran appeared to have reached an impasse, Russia offered Iran a compromise proposal in November 2005, in which Iran would be allowed to carry out its enrichment activities, but on Russia’s soil and under strict supervision (Kutchesfahani, 2006: 9). In its immediate response, Iran confirmed that it would not accept a compromise on its disputed nuclear issue and thus ‘enrichment should be carried out on Iranian soil’ (Agence France Presse, 13 November 2005). Against this backdrop, in late December 2005, the EU, in its Presidency Conclusions, condemned Iran’s failure to build confidence that its nuclear programme was exclusively peaceful, warning Iran that ‘the window of opportunity will not remain open indefinitely’ (Council of the EU, 2005d).

As is evident, since the involvement of the EU HR in the negotiations, the EU clearly demonstrated growing internal effectiveness. It demonstrated an ability to articulate and maintain a common position (Harnisch, 2007a: 6; Santini, 2010: 484; Bergenäs, 2010: 491; Onderčo, 2010: 11). Moreover, all the EU MSs formally recognised and mandated the E3 plus EU HR to negotiate with Iran on behalf of the whole EU. The EU was effective in persuading Iran to temporarily suspend its nuclear enrichment activities, sign and adhere to the IAEA Additional Protocol (Interview with EU MSs official, 2/3/2016). It was also effective in establishing a diplomatic channel through which the Iranian nuclear dispute could be solved solely through peaceful means, which would be developed and widened in 2006 to include the US, Russia and China (Leonard, 2005: 2; Harnisch, 2007b: 41-42; Meier, 2013: 1).

However, the E3/EU negotiations failed to persuade Iran to permanently suspend its nuclear enrichment programme or to find a long-term diplomatic solution that ensured Iran's nuclear programme was exclusively for peaceful purposes (Leverett, 2006: 13; Sauer, 2008: 283). Iran repeatedly made it clear that the demand for permanent suspension was non-negotiable. Moreover, the absence of explicit support from the US, its refusal to negotiate with Iran or be bound to any agreement that recognised Iran's right to enrich uranium, and its refusal to offer Iran security guarantees undermined the E3/EU's capacity to find a diplomatic solution (Rouhani, 2005; El-Khawas, 2005: 37; Chubin, 2006: 65; Interview with senior EU MS official, 2/3/2016).

## Conclusion

This chapter has investigated the effectiveness of EU's policy towards Iran between 2003 and 2005, in particular the initial diplomatic response to the announcement by Iran of its nuclear enrichment programme. By acting autonomously and coherently and being recognized by Iran and other international actors and institutions, the EU was in an ideal position to effectively act and pursue its goals. The EU managed to set specific goals, yet it succeeded in achieving them only in part: in fact, Iran suspended its nuclear fuel cycle activities for about two years and adhered to the International Atomic Energy Agency Additional Protocol. The EU, nevertheless, was effective in seeking to prevent military escalation and establishing a pathway to diplomatically solve the Iranian nuclear crisis. Overall, this period can be characterised as one of high internal effectiveness and medium external effectiveness.

As for internal effectiveness, the EU managed to be an autonomous and coherent actor, particularly when the High Representative was added to the initiatives taken by three European powers (E3) – France, Germany and the United Kingdom – and was officially mandated by the EU Council to speak and negotiate on behalf of the whole European Union. All EU Member States were prepared to seek and agree on a common position, much more than in the previous decade when focus had been mostly on Iran's poor record on human rights. Clearly, Iran's nuclear weapons posed a very serious threat to the world and then also to Europe's security and it was clear to all that the consequences of nuclear proliferation was certainly greater than any economic loss. The EU, represented by the E3 plus the EU HR, was recognised as a key interlocutor by Iran, major powers such as the

US, Russia and China, and relevant international organisations: this allowed it to play an active role in various negotiations.

Being internally effective certainly increases the likelihood of the EU to be an externally effective actor, yet high internal effectiveness translated into medium external effectiveness, as the EU achieved only some of its goals. The gap between the EU and US over how to most effectively tackle Iran's nuclear programme was in part bridged. Still, the EU preferred to use all diplomatic means and in fact its coercive diplomacy consisted of threatening Iran to refer its case to the United Nations Security Council if it did not comply with the IAEA requirements, whereas the US took a more antagonistic stance, seeking to isolate Iran. However, this rapprochement was not sufficient to reach a comprehensive solution to Iran's nuclear crisis in large part because some of the EU demands were strongly opposed by Iran. Nevertheless, Iran did cooperate with the EU and the suspension of its nuclear enrichment activities was temporary and voluntary, ultimately demonstrating how important the behaviour of the target country is for EU effectiveness.

## Chapter 5

### Third period (2006 - 2015): from coercive to cooperative diplomacy within multilateral negotiations

#### Introduction

2006 marked the beginning of the involvement of the UNSC in dealing with Iran's nuclear issue and the start of a multilateral sanctions policy towards Iran, while July 2015 marked the signing of the historic nuclear deal between the E3/EU+3 and Iran and thus the achievement of the EU's far-reaching goals. The 2015 agreement was an extraordinary event as it provided a mutually beneficial and comprehensive negotiated solution to Iran's nuclear dispute. This period is the case in which the EU has increasingly adopted a dual-track policy vis-à-vis Iran: increasing pressure on and maintaining dialogue with Iran. In this period, Iran's nuclear issue and finding a diplomatic solution remained the top priority for the EU, but it also signalled a considerable shift of the EU's approach towards Iran. Sanctioning Iran became a significant part of the EU's strategy to bring Iran to suspend its nuclear enrichment activities: first, through implementing various UNSC sanctions between 2006 and 2010; and second, through adopting several EU unilateral sanctions against Iran from 2010.

In contrast to the previous period, this period was characterised by EU-US cooperation on increasing pressure on and sanctioning Iran. It was also characterised by multilateral negotiations, represented by a group of actors constituting the E3 plus three non-European countries (the US, Russia and China) plus the EU HR, known as the E3/EU+3, with Iran. The key objectives of the EU were to bring Iran to suspend its enrichment activities, to comply with the UNSC and the IAEA demands and to curb its capability to enhance its nuclear enrichment programme. Above all, the EU aimed to reach its far-reaching goals of finding a long-term comprehensive diplomatic solution to Iran's nuclear dispute that ensure that Iran's nuclear activities would remain exclusively for peaceful purposes and that Iran would never seek to acquire nuclear weapons.

Since 2006 a number of scholars have attempted to explain the EU's approach towards Iran in this period, producing different perspectives and findings. A particular focus has been

given to the analysis of the impact and effectiveness of coercive and sanctions policy towards Iran. Within the existing literature, it has been widely argued that the coercive and sanctions policy failed to achieve its intended goals. Some scholars such as Sauer (2007a; 2007b) and Tocha (2009) argued that the EU's coercive diplomacy failed to bring Iran to comply mainly due to the demand for zero enrichment which was not acceptable to Iran. They further argued that the demand for permanent suspension of enrichment was by itself not legitimate under the NPT.

Pakfar (2010/11) attributed the failure of the sanctions policy to the lack of trust between the EU and Iran and the lack of empathy demonstrated for Iran's national concerns. Similarly, Mousavian and ShahidSaless (2014) contended that ignorance of Iran's national rights and interests and mistrust, in particular between Iran and the US, were the major reasons of Iran's resisting behaviour and thus the failure of several negotiations.

Other scholars such as Bowen and Brewer (2010) argued that the UNSC sanctions failed to change Iran's behaviour mainly due a strong political consensus among hardline leaders, public opinion and even moderate leaders on preserving the country's right to enrich uranium for peaceful purposes. For Maloney (2010) the increasing focus on sanctions, with the prospect of crippling Iran's economy, was not sufficient to change Iran's behaviour. Rather, it became more resistant to abandon its nuclear enrichment activities. Blockmans and Waizer (2013) also argued that although sanctions, in particular EU oil sanctions in 2012, considerably affected Iran's economy, they failed to change Iran's behavior as the sanctions created a 'rally-round-the-flag' public attitude instead of provoking public criticism. According to Sammoudi and Hatamzadeh (2012), although EU-US transatlantic cooperation was successful in increasing pressure on Iran and affecting Iran's economy, it did not result in desired change in Iran's nuclear policy.

For other scholars such as Esfandiary and Fitzpatrick (2011), although sanctions failed to achieve its ultimate goal of changing Iran's behaviour, they succeeded in limiting Iran's ability to quickly acquire nuclear weapons. Moran and Hobbs (2012) further argued that the EU sanctions in 2012 were an important factor that brought Iran to resume talks with the E3/EU+3. Maloney (2015) also contended that sanctions policy was a crucial factor in the apparent shift in President Rouhani's approach to the nuclear standoff, as well as to the success of the negotiations themselves. Other scholars contended that the EU's efforts were successful in establishing a diplomatic pathway to solve Iran's nuclear issue and thus significantly prevented military escalation of the conflict (Meier, 2013), as well as

provided ground for direct talks between Iran and the US that increased the possibilities of finding a comprehensive solution (Alcaro and Tabrizi, 2014).

To contribute to this debate and provide a more comprehensive understanding of the EU's effectiveness, this chapter argues that the focus on coercive measures without mutual concessions and without addressing Iran's vital interest was not sufficient to bring Iran to change its behaviour. It also argues that the effectiveness of any restrictive measures were mainly dependent on Iran's willingness to cooperate and its response vis-à-vis such demands. It finds that the EU has been able to increasingly demonstrate high internal effectiveness and to achieve its far-reaching goal of finding a comprehensive solution to Iran's nuclear issue.

In order to develop the above argument, this chapter is divided into four main sections. The first section focuses on the involvement of the UNSC and the EU's diplomatic efforts to find a solution in 2006. The second section examines the EU sanctions policy within the framework of the UNSC. The third section analyses the role of EU-US transatlantic cooperation. Finally, section four examines the EU unilateral sanctions against Iran and the EU negotiating strategy towards the signing of a historic deal in 2015.

## **1. The involvement of the UNSC**

Iran's decision to resume its nuclear enrichment activities in early January 2006 (IAEA Information Circular, 2006a) marked a serious setback to the negotiations and thus the beginning of the involvement of the UNSC. This move was immediately portrayed by the E3/EU as a clear rejection of the process the E3/EU and Iran had been engaged in for over two years, as well as constituting 'a further challenge to the authority of the IAEA' and a dead end to the path of discussions with Iran. The E3/EU therefore called for 'an extraordinary IAEA Board meeting with a view for it to take the necessary action to that end' (E3/EU, 2006).

It was against this backdrop that 'all the EU MSs agreed with the view that the EU should increase pressure on Iran, but at the same time keeping dialogue with Iran' (Interview with senior EU MS official, 2/3/2016), in order to bring it to fully cooperate with the IAEA and to find a comprehensive long-term solution to Iran's nuclear dispute (Interview with senior EU official, 3/3/2016). The EU General Affairs and External Relations Council made it

clear that ‘the European Union Member States will closely coordinate and work for the forthcoming extraordinary meeting of the IAEA Board of Governors in Vienna to involve the UN Security Council to reinforce the authority of the IAEA’ (Council of the EU, 2006a). This move demonstrated the EU’s commitment to solve this issue (Interview with senior EU official, 1/3/2016) and its ability to change and adopt policies and stances according to events and developments (Dryburgh, 2008: 260).

However, to refer Iran to the UNSC, cooperation and support from other significant actors, namely the US, Russia and China was necessary. The US soon expressed its readiness to cooperate with the E3/EU in involving the UNSC. Given the US had frequently pushed for sanctioning Iran since 2003 (Bolton, 2007; Interview with senior EU MS official, 2/3/2016), it was content with the E3/EU decision to involve the UNSC (Bolton, 2007: 322) and it immediately endorsed this decision (The Washington Times, 12 January 2006).

At the beginning, Russia and China were reluctant to go to the UNSC (Interview with senior EU official, 3/3/2016) and did not support imposing sanctions (The Guardian, 15 January 2006). Thus, the E3 plus EU HR increased their efforts to reach out to everyone and, in particular, to convince Russia and China to support the referral (EU Observer, 16 January 2006; Deutsche Presse-Agentur, 17 January 2006; The Associated Press, 17 January 2006; Interview with senior EU official, 3/3/2016). Russia and China eventually did not reject the E3/EU’s call (Kaussler, 2014: 45) and the E3/EU+3 ministers agreed to refer Iran to the UNSC (Bolton, 2007: 323).

As the E3/EU demanded, the IAEA, in an extraordinary meeting on 4 February 2006, ultimately decided to refer the Iranian nuclear programme to the UNSC by a vote of 27-3, with five abstentions.<sup>29</sup> It called upon Iran to suspend all of its enrichment-related and reprocessing activities, including R&D (IAEA Board of Governors, 2006a). Asserting its common position, at the General Affairs and External Relations Council meeting on 27 February 2006, the EU expressed its ‘overwhelming support’ to the IAEA resolution, stating that the UNSC should put its weight behind the IAEA’s demands if Iran continued to fail to comply with the Agency’s requests (Council of the EU, 2006b).

However, the demand of full suspension was not acceptable to Iran and it immediately rejected the Board resolution (IAEA Information Circular, 2006b; MEHR News Agency, 5 February 2006) and struck back by ending the implementation of all non-legally binding measures, including the IAEA Additional Protocol, and beginning enrichment activities at

Natanz (IAEA Board of Governors, 2006b). It also rejected the first non-legally binding statement by the presidency of the Security Council, which was unanimously adopted on 29 March 2006 and gave Iran a one month deadline to suspend its nuclear enrichment activities (UNSC, 2006a), declaring that uranium enrichment was ‘non reversible’ (The Associated Press, 30 March 2006).

In response to Iran’s resistance, the E3/EU and the US, in early May 2006, called for a legally binding resolution under chapter seven of the UN Charter that would pave the way for imposing sanctions against Iran (The New York Times, 2 May 2006; Agence France Presse, 2 May 2006). The UK and France, with close coordination with Germany and the US, proposed a draft resolution on 3 May 2006 that would legally oblige Iran to suspend its uranium enrichment (Agence France Presse, 3 May 2006). However, this E3/EU-US cooperation regarding increasing pressure on Iran needed support from Russia and China, the other two permanent members of the UNSC. Both Russia and China resisted invoking chapter seven of the UN Charter which would open the door for sanctioning Iran, demanding further diplomatic engagement. Thus the UNSC failed to pass a resolution that would make suspension of Iran’s nuclear enrichment activities mandatory (The Guardian, 4 May 2006).

Aiming to maintain dialogue with Iran and preserve the effectiveness of the multilateral non-proliferation efforts, the EU, at the External Relations Council meeting on 15 May 2006, reiterated its commitment to find a diplomatic solution to Iran’s nuclear issue. Building on its proposal of August 2005 for a framework for a long-term settlement of Iran’s nuclear dispute, it expressed its readiness to support Iran’s development of proliferation-proof civilian nuclear programme if the IAEA concerns were fully addressed and confidence in Iran’s intentions established (Council of the EU, 2006c). Solana also confirmed that the EU would offer Iran economic incentives, political cooperation and technology for its civilian nuclear programme in exchange of suspending its nuclear enrichment programme. He also warned Iran of the consequences of sanctions if Iran rejected the offer (The Associated Press, 15 May 2006).

Russia and China, while reiterating their opposition to sanctioning Iran or the use of force against the country, welcomed the important gesture of the EU to find a diplomatic solution to Iran’s nuclear question (Deutsche Presse-Agentur, 16 May 2006). The US also expressed its readiness to support the EU’s initiative, but confirmed that no security guarantees would be offered to Iran (Agence France Presse, 18 May 2006).



In a meeting on 1 June 2006 in Vienna to reach a consensus on the EU's offer, the E3/EU+3 eventually agreed to offer Iran a package of incentives and demands without including possible sanctions if Iran did not comply (The New York Times, 2 June 2006; ElBaradei, 2011: 196). Russia and China preferred to postpone talking about any punitive measures until Iran had had time to respond to the proposals (The Independent, 2 June 2006; Harnisch, 2007a: 17).

Accordingly, it can be said that the E3/EU's diplomatic efforts effectively created a common position that brought the US, Russia and China to support the proposal and expand the E3/EU to the E3/EU+3, under the auspices of the EU HR. In turn, this would provide a platform for all players to agree on common policies and promote a negotiating solution (Meier, 2013: 3; Alcaro and Tabrizi, 2014: 16). This consensus among the E3/EU+3 was necessary to find a diplomatic solution to Iran's nuclear dispute given without the support from the US, as well as Russia and China, it was difficult to find a solution.

Recognition of the E3/EU's diplomatic efforts and its leading role was further complemented by the formal mandate by the E3/EU+3 for Solana to represent and negotiate on their behalf (ElBaradei, 2011: 196; Giannella, 2012; Meier, 2013: 8). The Americans, as former Director for Non-Proliferation and Disarmament Annalisa Giannella stated, felt comfortable entrusting the leading role to the E3/EU, since this would spare them the need for being exposed directly, whilst Russians and Chinese would be more comfortable with an E3/EU leadership than with an American one (Giannella, 2012).

Solana eventually presented the E3/EU+3's proposal to Iran and had talks with the Iranian Secretary of the Supreme National Security Council, Ali Larijani, on 6 June 2006 (The Associated Press, 6 June 2006). Importantly, by participating in those talks with Solana, Iran recognised the leading role that the E3/EU held in finding a diplomatic solution to its nuclear issue. Larijani explicitly stated 'we consider that the European will to solve the issue through talks is a correct step', calling for more talks with Solana (Agence France Presse, 6 June 2006). In its initial reaction, Iran gave a cautious response, saying the offer contained 'positive steps' but also some 'ambiguities' that should be cleared up (The Associated Press, 6 June 2006). In particular, it reaffirmed that there would be no concession over the demand of permanent suspension of its nuclear enrichment activities (Deutsche Presse-Agentur, 8 June 2006).

Thus, it was the failure to address Iranian concerns along with the demand of permanent suspension as a prerequisite for negotiations that soon became a stumbling block towards finding a diplomatic solution. Iran repeatedly made it clear that permanent suspension of its nuclear enrichment programme was not negotiable (Mousavian, 2012) and hence it refused to suspend its uranium enrichment activities in exchange for economic and peaceful nuclear technology incentives. Rather, it continued defying the IAEA and the UNSC demands by expanding its R&D enrichment activities (ElBaradei, 2011: 197). As a result, the negotiations between Solana and Larijani in July 2006 failed to result in any breakthrough (The Washington Post, 13 July 2006).

It was against this backdrop that the EU, at the General Affairs and External Relations Council meeting on 17 July 2006, decided to return to the UN Security Council to make the decisions of the IAEA Board of Governors mandatory and threatened to work for the adoption of measures under Article 41 of chapter seven of the UN Charter if Iran did not comply (Council of the EU, 2006e). In fact, on 31 July 2006, the UNSC, even before Iran's final response to the proposal, passed resolution 1696<sup>30</sup> that made the enrichment suspension mandatory under Article 41 of chapter seven of the UN Charter, warning Iran that its failure to comply by 31 August 2006 would result in punitive measures (UNSC, 2006c). Notably, by formally endorsing the proposals of June 2006, the UNSC implicitly recognised the E3/EU's diplomatic efforts to find a comprehensive solution to Iran's nuclear issue (UNSC, 2006c).

Whilst the US immediately called for UNSC sanctions (Bolton, 2007: 335), the EU MSs, at the General Affairs and External Relations Council meeting on 15 September 2006, supported Solana's continuing talks with Larijani and stressed the importance of reaching an early conclusion (Council of the EU, 2006f). As the EU required, the E3/EU+3 agreed that Solana conduct further talks with Iran on behalf of them as a final step before imposing any sanctions in the UNSC (Arms Control Today, 1 October 2006). Following this, Solana held several talks with Larijani, but they ended without progress, with Solana warning Iran that the 'dialogue could not last forever' and the E3/EU+3 would sanction Iran if it did not comply with their demands (Solana, 2006), and with Iran refusing to halt its nuclear enrichment activities (Asharq Al-Awsat, 8 October 2006).

## 2. The sanctions against Iran within the UNSC framework

The failure of the talks between Solana and Larijani, and Ahmadinejad's increasing confrontational rhetoric threatening to leave the NPT rang alarm bells that pushed the EU to adopt a harsher stance through supporting UNSC sanctions (Interview with senior EU official, 1/3/2016). The main objectives of pursuing this path were to enforce the dual-track strategy, to curb Iran's capability to enhance its nuclear enrichment activities, to bring it to the negotiating table and thus find a negotiated solution to its nuclear issue (Interview with senior EU official, 4/3/2016).

Importantly, the EU Council in its conclusions on 15 December 2006 was able to formulate the common position that in the absence of action by Iran to meet its obligations it would support sanctions within the UNSC framework (Council of the EU, 2006g). By the end of 2006, the EU was Iran's biggest trading partner with €25.7 billion. From this, Italy had the lion's share of business with Iran, which amounted to €5.7 billion, followed by Germany with €4.5 billion, France with €4.3 billion, Spain with €2.3 billion and Greece with €1.8 billion (European Commission, 2014) (see also table 5.1 and table 5.2). Despite the potential of the sanctions on Iran to disrupt the EU MSs' lucrative trade relations with Iran, their privileged trade relations with Iran did not prevent them from agreeing on a common position. An EU senior official underlined this fact:

It was so obvious that Iran had violated the Paris Agreement and it was so obvious that Ahmadinejad at this point was not pushing towards a constructive approach. Therefore, it was very easy to get all EU MSs to move to this direction. At the time it was Russia and China who were more reluctant to go the Security Council, but in the end they also accepted (Interview, 3/3/2016).

This consensus among the EU MSs was also partly because those sanctions targeted mainly nuclear proliferation activities and did not impose strong economic measures, which might directly affect some EU MSs (Interview with senior EU official, 4/3/2016).

In line with the EU common position, Britain and France, with coordination with Germany, presented a draft sanctions resolution to the UNSC that would target Iran's goods related to its nuclear and ballistic programmes and financial and travel restrictive measures on persons and entities involved (Agence France Presse, 18 December 2006). Although the EU does not have representation in the UNSC, the Treaty on European Union

(TEU), has made an attempt to enhance the EU's presence. It has stated that 'Members States which are also members of the United Nations Security Council will concert and keep the other Member States and the High Representative fully informed [and] will, in the execution of their functions, defend the positions and the interests of the Union' (TEU, 1992: Article J.5).

In fact, the UNSC Resolution 1737 was eventually unanimously passed on 23 December 2006, imposing limited economic sanctions against Iran (UNSC, 2006d) (see appendix V for list of sanctions imposed against Iran). Russia and China voted for the resolution after the first draft was toned down by them<sup>31</sup> (Taylor, 2009: 66; ElBaradei, 2011: 210-201). However, this unanimous decision did not result in any change in Iran's behaviour. Iran rejected the resolution and vowed to increase its uranium enrichment capacities (Mousavian, 2010b: 261; Agence France Presse, 23 December 2006). In fact, Iran defied the UNSC demands by continuing to build its uranium enrichment capacity (IAEA Board of Governors, 2007).

In response to Iran's behaviour, the EU General Affairs and External Relations Council on 5 March 2007 reached a common position to support stronger UNSC restrictive measures against Iran. The Council reaffirmed at the same time its commitment to maintain dialogue with Iran to find a negotiated solution to its nuclear issue (Council of the EU, 2007b). In fact, the UK, France and Germany's representatives in the UNSC, in line with what they had agreed upon at the EU's level, proposed a tougher sanctions resolution that included outright bans on arms exports (Deutsche Presse-Agentur, 9 March 2007). Russia and China agreed on a new draft, but after some amendments<sup>32</sup> to meet their interests (Arms Control Today, 2 April 2007).

The UNSC eventually adopted resolution 1747 by unanimous vote on 24 March 2007, expanding the scope of the previous sanctions against Iran (UNSC, 2007) (see appendix V). Nevertheless, Iran once again refused to acquiesce to the UNSC demands, insisting on its right to enrich uranium for peaceful purposes (Agence France Presse, 25 March 2007). Moreover, it announced it would enrich uranium on an industrial scale, up to 20 percent (ElBaradei, 2011: 255; Mousavian, 2012: 273). Larijani meanwhile accepted to have further talks with Solana concerning its nuclear dispute after a few months of deadlock of negotiations between them (Agence France Presse, 24 April 2007). These talks took place on 25 April 2007 but failed to result in any movement in the negotiations (Agence France Presse, 26 April 2007).

In order to encourage Iran to change its behaviour, in September 2007, the E3/EU+3 offered Iran the possibility of suspension of the implementation of punitive measures if and for so long as Iran suspended all of its enrichment related and reprocessing activities. They also agreed to support a third UNSC sanctions resolution unless the November reports from EU HR and the IAEA chief ‘show a positive outcome of their reports’. The E3/EU+3 also mandated Solana to ‘lay the foundation for future negotiations’ with Iran (E3/EU+3, 2007). However, once again, Solana’s diplomatic negotiations with Iran, in late November 2007, failed to produce a breakthrough (The Associated Press, 1 December 2007) as the new Secretary of Iran’s Supreme National Security Council, Saeed Jalili, insisted Tehran would not curb its nuclear plans under pressure from a new UNSC resolution (Agence France Presse, 30 November 2007).

Against this backdrop, some differences occurred among the MSs regarding adopting harsher sanctions against Iran. France and the UK called for strong EU unilateral sanctions against Iran. The Netherlands also expressed its support for EU sanctions if the UNSC failed to apply stronger sanctions (Deutsche Presse-Agentur, 17 September 2007; Agence France Presse, 17 September 2007). Conversely, other MSs such as Germany, Italy, Spain, Austria and Greece did not support this move, but supported sanctions within the framework of the UNSC (The Associated Press, 17 September 2007; Agence France Presse, 22 September 2007; Agence France Presse, 4 October 2007; EU Observer, 5 October 2007). Importantly, the MSs’ differences did not prevent the EU to reach a common position on strengthening sanctions against Iran. This was because the need to reinforce EU’s negotiating hand and to act coherently as a global actor was more relevant to the MSs than their immediate concerns. At its presidency conclusions on 14 December 2007, all the EU MSs agreed to strengthen restrictive measures against Iran, but mainly within the UNSC framework. They also considered taking additional limited EU measures against Iran in light of the upcoming UNSC resolution (Council of the EU, 2007c). An EU senior official also emphasised the fact that:

Given that there were no meaningful developments on the ground, on the negotiations and actually there was a backtrack and there was an increase in enrichment, there was always a discussion on the effectiveness on sanctions and whether unilateral sanctions is a good way to go or not, and certainly some MSs have different views on this. France, for instance, was certainly favouring to move towards harsher direction, but in the end there was a general

consensus, at the time, to remain within the framework of the UNSC (Interview with EU senior official, 1/3/2016).

In fact, the UK and France, while working in line with EU position, in the UNSC (Interview with senior EU official, 1/3/2016), proposed a draft of a new UNSC resolution that would impose tougher sanctions against Iran (Agence France Presse, 29 February 2008). Indeed, on 3rd March 2008, UNSC resolution 1803, for the first time, banned trade with Iran in dual-use goods, as well as broadening trade, travel, banking, and monitoring restrictions (UNSC, 2008a)<sup>33</sup> (see appendix V). Importantly, the E3/EU gained further recognition as the UNSC Resolution explicitly recognised its leading role while formally mandating the EU HR ‘to continue communication with Iran in support of political and diplomatic efforts to find a negotiated solution’ (UNSC, 2008a). It also mandated Solana to deliver and negotiate a revised package of the June 2006 proposal (UNSC, 2008b) that pledged to expand a 2006 offer of economic and trade incentives to Iran in exchange for a freeze of its uranium enrichment activities (Agence France Presse, 3 March 2008).

Nevertheless, Iran immediately rejected the resolution, calling it ‘unlawful’ (The Associated Press, 3 March 2008) and ‘unjust and irrational’ (IRNA, 4 March 2008). On 14 June 2008, while conveying the revised package, Solana subsequently delivered a strong message to Iran:

The fact that I am here today shows how seriously we regard this problem and how serious we are in our efforts to find a negotiated solution. A negotiated solution would enable Iran to fulfil its potential as a respected member of the international community (Solana, 2008).

At the same time, he expressed the willingness to fully normalise the EU relations with Iran if the latter suspended its enrichment activities (Deutsche Presse-Agentur, 14 June 2008). Nonetheless, Solana’s dual-message of threat and incentive also failed to bring about change in Iran’s behaviour. Iran reiterated its refusal to suspend its enrichment activities and thus did not accept the revised package (The New York Times, 5 July 2008).

As has been shown, the EU was able to act autonomously as the E3 plus EU HR were the only EU authorised actors, representing and speaking on behalf of the whole EU. It also successfully adopted common positions concerning restrictive measures against Iran that implemented UNSC resolutions. The adoption of restrictive measures by the Council of the

EU was important for the EU's ability to act coherently, specifically since adopted measures are binding upon and directly applicable in all MSs (TFEU, 2012: Article 288). In addition to Iran's interaction and acceptance of the EU's role in finding a solution to its nuclear issue, the E3/EU increasingly gained further recognition from other international actors, such as the US, Russia and China, and international organisations, such as the UNSC. However, the focus on coercive measures with the demand of zero-enrichment, without taking into the consideration Iran's concerns and demands was a key reason that pushed Iran to be more resistant and less flexible towards complying with the required demands. Iran demonstrated that it was ready to bear the costs of sanctions for the sake of its right to enrich uranium.

### **3. The EU and the new US administration**

In November 2008, a new US President, Barak Obama, came to power. Aiming to protect US interests and to tackle various foreign and security issues, Obama undertook an ambitious effort to redefine the US's view of the world (Brzezinski, 2010). Upon taking office, he sought to renew the US's image abroad, especially in the Muslim world (Indyk et al., 2012; The White House, 21 January 2009). He did not embrace Bush's concept of a 'global war on terror', rather, he sought to wind down the wars in Iraq and focus narrowly on attacking Al Qaeda (Indyk et al., 2012: 34). Obama also intended to improve relations and increase cooperation with Europe, Russia and China: three important geopolitical relationships for the US (Brzezinski, 2010; Indyk et al., 2012). He sought to adopt a new policy towards potential rivals and adversaries by accommodating their interests, perspectives and wishes, aiming to turn them into friends or, at least, something other than adversaries (Dueck, 2011: 15).

With regards to US policy towards Iran's nuclear issue, Obama's approach focused on cooperation among international powers to tackle this issue (The White House, 7 July 2009). Obama sought to pursue serious negotiations with Iran over its nuclear programme, downgrading the US military option, but still rhetorically acknowledging that 'all options remain on the table' (Brzezinski, 2010: 22). He opted to directly negotiate with Iran without preconditions (The White House, 4 June 2009), but also opted to increase pressure on Iran through imposing harsher sanctions against Iran (Maloney, 2010: 131; Parsi, 2012: 35).

Importantly, Obama's readiness to engage with Iran without preconditions would allow direct high level US-Iran talks in the E3/EU+3 framework as well as on a bilateral level (Alcaro and Tabrizi, 2014: 17). This engagement was necessary for further cooperation among the E3/EU+3 and hence to effectively adopt the dual-track approach. In fact, Obama recognised that without unity among the international powers, it would be difficult to find a solution to Iran's nuclear issue (The White House, 7 July 2009). Realising that without full engagement with Iran it would be difficult to achieve such a solution, Obama's policy of direct engagement with Iran was thoroughly supported by the EU. The EU General Affairs and External Relations Council, on 27 April 2009, considered the US's policy of direct engagement with Iran as significant to 'open a window of opportunity for negotiations on all aspects of Iran's nuclear activities and more broadly for engagement with Iran', and it therefore called upon Tehran 'to seize this opportunity to engage seriously with the international community' (Council of the EU, 2009a).

Nevertheless, the EU made it clear that 'Iran must restore confidence in an exclusively peaceful nature of its nuclear activities' before any progress could be made (Council of the EU, 2009a). The EU, particularly France and Britain, as an EU official stated, were 'in the view that we needed some kind of comprehensive and credible pressure on Iran, rather than relaxation to act, to move and to change the Iranian behaviour' (Interview with senior EU MS official, 2/3/2016). The French Foreign Minister further stated that 'if we want to ensure that the possible US-Iran dialogue moves us closer to our shared goal, not further away from it', the US 'must consult closely with European allies' and stick to the dual-track approach (Global Research, 13 November 2008; Agence France Presse, 13 November 2008).

In turn, Iranian officials cautiously entertained the possibility of change in the US policy towards Iran (Parsi, 2012: 38). Ahmadinejad stated that Iran wanted actions and real changes rather than words (The Guardian, 29 January 2009) and that it was not ready for any engagement not in 'a climate of equality and mutual respect' (Agence France Presse, 10 February 2009). While the negotiations were deadlocked since the last meeting between Solana and Jalili in July 2008, Iran continued defying the UNSC demands of suspending its enrichment activities and the work on heavy water project (IAEA Board of Governors, 2009a).

In June 2009, Iran meanwhile requested the IAEA's assistance in obtaining replacement fuel for the Tehran Research Reactor (TRR) and expressed its readiness to negotiate with



the E3/EU+3 (Arms Control Association, 5 November 2009; Meier, 2013: 12). However, the introduction by Iran of a new facility, Fordow, in the city of Qom (Mousavian, 2012: 352) drew heavy criticism from the E3/EU and the US (IAEA Board of Governors, 2009b) and increased distrust of Iran's intentions (ElBaradei, 2011: 299). In fact, this development fuelled momentum toward new sanctions against Iran (Agence France Presse, 25 September 2009).

To avoid more confrontation, Iran showed willingness to negotiate over fuel exchange for the TRR, the so called fuel-swap deal (Bergenäs, 2010: 507).<sup>34</sup> In fact, during a meeting between Solana and Jalili after 15 months of pause in discussions on 1 October 2009, they agreed in principle that Low Enriched Uranium (LEU) produced in Iran would be transported to third countries for further enrichment (Solana, 2009). Since this fuel-swap was mutually advantageous,<sup>35</sup> it would be a way to defuse the current crisis and create a window of opportunity for more serious negotiations (ElBaradei, 2011: 295).

The US confirmed its commitment to fully respect Iran's rights under the NPT (ElBaradei, 2011: 295), and, with Russia, gave their backing to the fuel-swap deal (Agence France Presse, 24 October 2009). The EU considered it a good opportunity that would contribute to building confidence and thus called upon Iran to agree (Council of the EU, 2009b). Despite French and British concerns that this deal might pave the way for Iran to legitimise its enrichment programme (Meier, 2013: 13), they did not undermine the EU position. Notwithstanding its apprehension, France expressed its readiness to implement the planned deal (Deutsche Presse-Agentur, 23 October 2009) and even agreed to be an essential part of this deal as the main producer of the type fuel required by the TRR (Russia does not produce this type) (Fitzpatrick, 2011: 31).

However, Iran soon showed less enthusiasm towards the deal and turned to diversionary tactics. It initially expressed its lack of trust in France due to previous business deals<sup>36</sup> and hence opposed its involvement (Fitzpatrick, 2011: 36; Parsi, 2012: 135-137; Meier, 2013: 13). Moreover, Iran proposed alternatives that made it difficult to close the deal. It demanded to ship the LEU in batches instead of one batch and requested that the fuel should be offered simultaneously with the shipping of the LEU (Agence France Presse, 29 October 2009; Bowen and Brewer, 2011: 935). Iran's demands were rejected by the E3/EU, the US and Russia (Parsi, 2012: 142).

Iran eventually rejected the deal, announcing that it would not send its enriched uranium abroad for further processing, but would consider a simultaneous fuel swap inside the country (Deutsche Presse-Agentur, 18 November 2009). The Iranian president further vowed to build more uranium enrichment plants and to increase the level of enriched uranium to 20 percent (The Associated Press, 2 December 2009). Consequently, not only the E3/EU and the US, but also Russia and China, were frustrated by these developments (ElBaradei, 2011: 312; Parsi, 2012: 193). Accordingly, the European Council decided to impose further UNSC sanctions (European Council, 2009). The Obama administration also decided to adopt harsher sanctions against Iran (Agence France Presse, 11 December 2009; Bowen and Brewer, 2011: 935).

These developments coincided with a change of EU leadership. With the entry into force of the Lisbon Treaty, on 1 December 2009, Catherine Ashton took over from Javier Solana as High Representative, as well as Vice President of the Commission (HR/VP). Soon after her appointment, Ashton, in line with the aims of the Lisbon Treaty,<sup>37</sup> intended to make the EU a more coherent and effective actor in areas of crisis, including Iran's nuclear programme (European Parliament, 2010). Ashton reiterated the EU's commitment to implement the dual-track approach to finding a diplomatic solution to Iran's nuclear issue that 'build confidence that the nuclear programme is exclusively for peaceful purposes'. For this end, 'we need a serious engagement in meaningful talks from Tehran's side' (Ashton, 2010b).

Meanwhile, instead of complying with the E3/EU+3 efforts to find a diplomatic solution to its nuclear issue, Iran sought to negotiate with Brazil and Turkey<sup>38</sup> over a fuel exchange for the TRR and they eventually agreed to send the LEU to Turkey in exchange for fuel on 17 May 2010 (Fitzpatrick, 2011: 37). The European Council welcomed the efforts by Brazil and Turkey to secure progress on the TRR, but it stressed their agreement would not address the core of Iran's nuclear issue and thus Iran would have to engage in negotiations to find a satisfactory agreement (European Council, 2010b). In a joint statement, the E3/EU+3 also commended Brazil and Turkey's efforts, but they made it clear that they were only prepared to continue dialogue with Iran in the context of understandings reached during the Geneva meeting of 1 October 2009 (E3/EU+3, 2010).

Given the failure of the original fuel-swap talks, as discussed above, the Iran-Brazil/Turkey agreement was thus seen by the E3/EU and the US as a political ploy by Iran to claim an excuse for producing 20 percent enriched uranium on its own (Fitzpatrick, 2011: 28), as

well as to undermine the E3/EU and the US efforts for new UNSC sanctions (EU Observer, 18 May 2010). Ashton made it clear that this deal would not solve the fundamental problem and hence would not hinder the efforts to increase pressure on Iran (EU Observer, 18 May 2010). The US and Russia also reaffirmed their support to the original one (Agence France Presse, 18 May 2010). In fact, all six powers reached an agreement at a fourth round of the UNSC sanctions against Iran (ElBaradei, 2011: 312).

The UNSC Resolution 1929 was eventually adopted on 9 June 2010, with the yes vote of 12 members, while Brazil and Turkey voted against and Lebanon abstained.<sup>39</sup> It broadly targeted Iran's financial, commercial, transportation and other sectors (UNSC, 2010b) (see appendix V). Speaking on behalf of the Foreign Ministers of the E3/EU+3, the representative of the United Kingdom, Mark Lyall Grant, said the new resolution affirmed both their concern about Iran's nuclear programme and the need for the country to comply with the requirements of the UNSC, while also keeping the door open for continued engagement between the E3/EU+3 and Iran (UNSC, 2010a). Nevertheless, Iran immediately rejected the resolution and indicated that it would continue enrichment activities (The Associated Press, 9 June 2010). It was apparent that the focus on coercive measures without addressing Iran's concerns was not sufficient to bring the country to comply with the required demands.

EU-US transatlantic cooperation was necessary to successfully increase pressure on Iran through various UNSC sanctions resolutions (Erástó, 2011: 423; Sammoudi and Hatamzadeh, 2012: 168). The UNSC restrictive measures also restricted Iran's access to nuclear technology (Maloney, 2010: 139-143) by 'prohibiting the delivery of certain goods such as proliferation sensitive goods, dual use goods, arsenals goods and others that could contribute to the Iranian nuclear programme' (Interview with senior EU official, 4/3/2016).

However, the increased pressure on Iran created a 'rally-round-the-flag' effect (Blockmans and Waizer, 2013: 5). The re-election of Ahmadinejad in June 2009 provided the regime with further incentive to resist the pressure and to successfully turn the nuclear dossier into a symbol of Iranian national pride and identity (Parsi, 2011). Furthermore, the sanctions mainly targeted Iran's nuclear programme and involved persons and entities which did not inflict sufficient pain to Iran's economy (Interview with senior EU official, 4/3/2016). Russia and China further watered down those sanctions before adopting them in order to maintain their good economic and strategic relations with Iran (Fitzpatrick, 2008a: 35; Taylor, 2009: 60; Bowen and Brewer, 2011: 936). While Iran was able to enhance its trade

and economic relations with various countries, the UNSC restrictive measures were unlikely to bring Iran to suspend its enrichment programme (Tocha, 2009: 18; Pakfar, 2010/2011: 29-30; Esfandiary and Fitzpatrick, 2011: 148). In addition, the EU did not put any restrictions to its MSs' trade connections with Iran. Rather, the amount of trade between the EU, particularly Italy, Spain and Greece, and Iran increased between 2006 and 2010 (see table 5.1 and table 5.2).

**Table 5.1: EU and its Members States trade with Iran (imports from Iran: € million)**

<b>Country</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>EU</b>	14376.3	14051.6	15941.9	9384.0	14528.4
<b>Germany</b>	360.7	495.7	529.5	491.1	853.7
<b>France</b>	2370.4	2450.2	2358.6	1000.4	849.5
<b>Italy</b>	3894.9	4158.1	3920.4	1968.4	4745.0
<b>Spain</b>	1982.4	1518.7	3090.0	1978.0	3394.6
<b>Greece</b>	1814.7	2149.0	2448.6	1174.8	1224.9
<b>Austria</b>	139.6	219.6	160.8	60.0	298.4
<b>The Netherlands</b>	2852.6	1862.9	2688.5	2012.0	2129.0
<b>The UK</b>	112.5	93.5	87.9	232.6	218.1

Source: (European Commission, 2014).

**Table 5.2: EU and its Members States trade with Iran (exports to Iran: € million)**

<b>Country</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>EU</b>	11294.9	10125.4	11341.0	10433.6	11318.5

<b>Germany</b>	4110.5	3595.8	3920.3	3782.5	3786.4
<b>France</b>	1896.1	1511.7	1810.2	1446.8	1786.9
<b>Italy</b>	1825.2	1856.3	2125.5	2013.3	2059.0
<b>Spain</b>	328.4	451.7	465.9	442.5	492.0
<b>Greece</b>	19.5	11.5	10.2	14.2	21.1
<b>Austria</b>	368.3	347.7	329.3	348.4	353.9
<b>The Netherlands</b>	668.9	595.6	471.4	556.1	589.1
<b>The UK</b>	628.4	579.4	508.6	415.2	327.2

Source: (European Commission, 2014).

#### **4. The EU unilateral sanctions against Iran and the negotiations of a comprehensive deal**

As discussed above, the EU's sanctions policy within the framework of the UNSC failed to bring about change in Iran's behaviour over its nuclear policy or to comply with its obligations. It was against this background that the EU, at the Foreign Affairs Council meeting on 14 June 2010, decided to take additional strong measures accompanying and supporting the UNSC resolutions while confirming, at the same time, that the 'offer of negotiations remains on the table' (Council of the EU, 2010b). There was a general view among the EU MSs that the UNSC sanctions were not enough and were not producing the necessary and desired results. They therefore agreed to adopt EU unilateral sanctions to influence Iran and bring it into the negotiating table (Interview with senior EU official, 1/3/2016). It was inconceivable to impose another round of UNSC sanctions at this time as Russia and China were opposed to this step (The Associated Press, 10 June 2010; Agence France Presse, 10 June 2010; Interview with senior EU MS official, 29/2/2016).

Soon after UNSC resolution 1929 was adopted, the EU started to impose its own restrictive measures against Iran, targeting trade, financial, transportation and energy sectors, including a full prohibition of new investment in Iran's energy sector (Council of the EU, 2010c). At the same time, the US also imposed additional sanctions (The New York Times, 18 June 2010) (see appendix V). This could, together with the EU sanctions, inflict far more economic pain on Iran and thus bring Tehran to comply with the UNSC demands (Bowen and Brewer, 2011: 935). Concurrently, Ashton invited Jalili to discuss nuclear issues in order to take forward the dual-track approach and to find a negotiated solution to Iran's nuclear dispute (The Associated Press, 16 June 2010). Recognising the EU's leading role, Iran accepted to hold such a meeting between Jalili and Ashton (FARS News Agency, 17 June 2010). Ashton played a key role in approaching Iranian officials (Interview with senior EU MS official, 29/2/2016) and in obtaining this commitment from Iran, which also represented an opportunity for Ashton and the E3/EU, to once again take the leading role on the Iranian nuclear dispute (Bergenäs, 2010: 507).

Further talks between Iran and the E3/EU+3, under the lead of Ashton, did indeed take place in Geneva in December 2010 and in Istanbul in January 2011 (The Associated Press, 6 December 2010; The Guardian, 21 January 2011). However, they yielded no results mainly because of the failure to address mutual interests. Iran was not ready to make any concessions regarding its uranium enrichment programme and the E3/EU+3 were not ready to give Iran what it wanted most: recognition of its right to enrich uranium (The Associated Press, 22 January 2011). Aiming to build confidence, the E3/EU+3 offered an updated version of the fuel-swap offer with technical support for peaceful nuclear activities, as well as trade incentives, in exchange for Iran's willingness to address the calls for curbs on its uranium enrichment programme (The Guardian, 21 January 2011; Bowen and Brewer, 2011: 935-936). Nevertheless, Iran was not ready to discuss any offer unless the E3/EU+3 formally recognised Iran's right to enrich uranium and agreed to lift the sanctions (MEHR News Agency, 26 January 2011). Iran's demands were rejected by the E3/EU+3 and considered unacceptable (Ashton, 2011a).

Ashton, on behalf of the E3/EU+3, sent a letter to Iran that set out the basis of their continued readiness to engage with Iran in October 2011. Ashton reaffirmed that:

Our overall goal remains a comprehensive negotiated, long-term solution which restores international confidence in the exclusively peaceful nature of Iran's nuclear programme, while respecting Iran's right to the peaceful use of

nuclear energy consistent with the NPT...we can achieve a full settlement only by focusing on the key issue, which are the concerns about the nature of your nuclear programme, as reflected in IAEA reports, and by developing practical steps aimed at rebuilding confidence in the exclusively peaceful nature of your nuclear programme (Ashton, 2011b).

The IAEA report meanwhile in November 2011, affirmed that Iran not only continued enriching uranium contrary to the UNSC and the IAEA demands, but also had mastered the critical steps needed to build nuclear weapons, receiving assistance from foreign scientists (IAEA Board of Governors, 2011b). This step drew heavy criticism from the EU. At the Foreign Affairs Council meeting on 14 November 2011, it strongly condemned ‘the continuous expansion of Iran’s enrichment programme’ and thus decided to impose further restricted measures (Council of the EU, 2011a). In fact, two weeks later the EU Council designated a further 180 entities and individuals to be subjected to a freeze of their assets and economic resources in the EU and to a ban from entering the Union, including members and entities of Iran Shipping Line and its Revolutionary Guards Corps (Council of the EU, 2011b).

Moreover, Ashton warned Iran there would be further severe measures if it did not comply (Agence France Presse, 1 December 2011). However, Iran condemned the EU sanctions and dismissed their impact on its economy, affirming that these sanctions would not prevent it from continuing enriching uranium (FARS News Agency, 5 December 2011). Accordingly, due to Iran’s uncooperative attitude, the situation was moving in the opposite direction to what the EU had aimed for (Interview with senior EU official, 1/3/2016).

Against this backdrop, the EU, at the Foreign Affairs Council meeting on 23 January 2012, decided to impose harsher sanctions against Iran. It adopted a common position concerning its toughest sanctions against Iran, banning imports of Iranian crude oil and petroleum products from Iran into the EU and the export of key equipment and technology for this sector to Iran. It also banned any new oil deals while the existing ones would have to be shut down by 1 July 2012. In addition, it froze the assets of the Iranian central bank within the EU (Council of the EU, 2012a; 2012b) (see appendix V).

The EU aimed to send a strong signal to Iran that the EU was ‘serious in saying that there will be consequences if there is no cooperative attitude from the Iranian administration’ (Interview with senior EU official, 1/3/2016). This decision ‘was really the turning point,

but it was a difficult decision for the EU precisely because of the fact the EU was importing 25% of the Iranian oil, in particular some EU MSs such as Greece and Italy were heavily dependent on Iranian oil' (Interview with senior EU official, 4/3/2016).

For instance, in 2011, Iranian oil accounted for more than 30 percent of Greece's total importations (Agence France Presse, 19 January 2012; Blockmans and Waizer 2013: 3), about 15 percent of Spain's, and 13 percent of Italy's. At the time, Italy, Spain and, in particular, Greece, were also on the verge of economic collapse because of the global financial crisis (Patterson, 2013: 140-142). An oil embargo would thus have increased the difficulties by reducing the suppliers and making oil imports more expensive (Interview with senior EU official, 1/3/2016). Consequently, in the beginning, they, and in particular Greece, raised their concerns and resisted such a strong move (The Associated Press, 19 January 2012; Ekathimerini, 20 January 2012). For Italy, to lose Iran as oil provider was not less problematic than for Greece. Italy was importing from Libya, Syria and Iran among others and all of a sudden it lost Libya and Syria and now Iran (Interview with senior EU official, 4/3/2016).

However, it was eventually 'clear to all that a decision should be made and short-term sacrifices should be made for long-term improvement and stability' (Interview with senior EU official, 3/3/2016). To overcome the potential disagreement of, and adverse consequences for, some MSs, all the EU MSs, as a senior EU official stated, committed 'to review the situation to assess whether this would be unbearable, for instance, if these sanctions would collapse Greece, we would have readjusted'. They also 'committed to explore alternative resources and we indeed had political dialogue with alternative suppliers in the region and encouraged them to take part' (Interview, 4/3/2016).

Underscoring EU unity, Greece affirmed that even if Iran cut oil exports to Greece before the sanctions went into force in July 2012, it would find alternative sources of fuel (Ekathimerini, 15 February 2012). Thus, MSs' interests did not undermine the EU's ability to present a common position and to act coherently (Meier, 2013: 16; Blockmans and Waizer, 2013: 3; Patterson, 2013: 143). It was apparent that the EU MSs were ready to sacrifice their immediate economic interests mainly to reinforce the EU's CFSP and the EU's hands in the negotiations with Iran, as well as to enable the EU to effectively tackle proliferation of the WMD as a global actor.



In fact, all the EU MSs implemented the restrictive measure in a collective manner, without any MSs breaking away and undermining the collective position. This fact was corroborated by statistics; EU oil imports from Iran came to an almost complete halt from 2012-2013. Total EU imports from Iran decreased by 86 percent and exports reduced by 26 percent (European Commission, 2014). Additionally, the trade connections between the EU MS hugely decreased during the same period (see also table 5.3. and table 5.4).

**Table 5.3: EU and its Members States trade with Iran (imports from Iran: € million)**

<b>Country</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>EU</b>	17328.9	5651.8	783.4
<b>Germany</b>	716.3	313.1	255.9
<b>France</b>	1747.1	127.6	28.3
<b>Italy</b>	5327.2	2239.5	137.4
<b>Spain</b>	4021.5	734.2	68.3
<b>Greece</b>	2781.8	1541.7	37.7
<b>Austria</b>	13.9	111.5	8.5
<b>The Netherlands</b>	1575.8	157.0	66.7
<b>The UK</b>	420	136.9	32.5

Source: (European Commission, 2014).

**Table 5.4: EU and its Members States trade with Iran (exports to Iran: € million)**

<b>Country</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>EU</b>	10497.2	7378.7	5445.9
<b>Germany</b>	3082.2	2523.7	1840.3

<b>France</b>	1670.1	803.2	493.6
<b>Italy</b>	1863.3	1407.2	1056.5
<b>Spain</b>	656.3	498.9	314.1
<b>Greece</b>	24.2	15.4	13.6
<b>Austria</b>	290.7	220.1	184.6
<b>The Netherlands</b>	603.9	370.9	265.3
<b>The UK</b>	203.5	119.6	89.4

Source: (European Commission, 2014).

The figures above demonstrated the EU and its MSs' ability to translate a collective position into action in order to achieve the EU's objectives. A senior EU official confirmed the fact that the adoption of these sanctions 'was simply a demonstration of how united the EU was to take such a decision. This was the best confirmation how determined we were in this process and how much committed we were to the negotiations' (Interview, 4/3/2016).

This demonstration of the EU's ability to act coherently was followed by explicit recognition by Iran of the EU's leading role. Shortly after sanctions were adopted, Jalili sent a formal letter to Ashton, expressing readiness to have further talks with the E3/EU+3 (MEHR News Agency, 15 February 2012; The Telegraph, 15 February 2012). Jalili said that 'we voice our readiness for dialogue on a spectrum of various issues which can provide ground for constructive and forward looking cooperation'. He also welcomed a statement in a letter by Ashton in October 2011 on respecting Iran's right to the peaceful use of nuclear energy, stating positive attitude towards Iran in new talks could open positive perspective for negotiations. He confirmed:

No doubt that by committing to this approach, our talks for cooperation based on step by step principles and reciprocity on Iran's nuclear issue could be commenced... Therefore, within this context, I propose to resume our talks in order to take fundamental steps for sustainable cooperation in the earliest

possibility in a mutually agreed venue and time (The Associated Press, 15 February 2012; FARS News Agency, 15 February 2012).

However, Jalili's letter offered no concessions regarding suspending Iran's nuclear enrichment activities. Several rounds of negotiations eventually took place between Iran and the E3/EU+3 in Istanbul, Baghdad and Moscow in mid-2012 (The Guardian, 14 April 2012; MEHR News Agency, 23 May 2012; FARS News Agency, 18 June 2012). The E3/EU+3 demanded that Iran stop enrichment uranium to 20 percent, shut down the Fordow facility and hand over its stockpiled 20 percent enriched uranium in exchange for receiving fuel for its research reactor (Ashton, 2012). Iran's decision to return to the negotiating table, as a senior EU official underlined, was:

A response to the EU pressure. Iran realized that the EU is very committed and serious. Iran was not expecting the EU might impose ban on oil as the EU MSs are highly dependent on Iranian oil, in particular the economic crisis was already badly affected the European countries, in particular Greece was almost collapsed (Interview, 4/3/2016).

However, the negotiations failed mainly due to the lack of addressing mutual concerns. Iran continued to refuse any solution to its nuclear dispute without formal recognition of its right to enrich uranium and the lifting of sanctions (The Telegraph, 18 June 2012; Al-Monitor, 27 June 2012). To bring about change in Iran's behaviour, the EU subsequently further tightened its existing sanctions by prohibiting all transactions between European and Iranian banks, including Iran's Central Bank. It also banned the import of natural gas from Iran, imposed further export restrictions, and targeted 34 additional Iranian entities (Council of the EU, 2012c).

Meanwhile, the EU sanctions of 2012 came into effect and genuinely affected Iran's economy and restricted its financial capacity. Iran's ability to sell crude oil was particularly affected by the EU ban on all Iranian petroleum imports as well as the imposition of insurance and reinsurance bans by the EU, specifically since the European insurance companies insure and reinsure the vast majority of the world's tanker fleet (EIA US Energy Information Administration, 2015).<sup>40</sup> As a consequence, Iran's financial capacity was considerably restricted and Iran was increasingly isolated from the international financial system (Vaez and Sadjadpour, 2013: 18).

To circumvent the impact of restrictive measures, Iran meanwhile enhanced its trade relations with other alternative trade players, such as China, India, Turkey, South Korea, Persian Gulf and other parts of Asia which largely replaced the declining share of the EU trade with Iran (Portela, 2014: 35). China, particularly after the EU sanctions, had replaced the EU as Iran's top trading partner. Other countries had undertaken different procedures to continue oil trading with Iran. For instance, Japanese shippers managed to attain insurance cover from their own government. India allowed its insurers to cover oil shipments, while South Korea and China imported oil via Iranian vessels (Portela, 2015: 193). Although these alternatives did not fully make up for the loss caused by the EU market, they were important for the survival and flow of the Iranian economy.

However, it was apparent that without addressing mutual interests and with the president Ahmadinejad's uncooperative policy, it was difficult to reach a comprehensive solution to Iran's nuclear issue. Ahmadinejad's policy, which was based on the principle that 'the right to enrichment should be realized not through negotiations and confidence building, but through resistance' (Mousavian, 2012: 190), did not facilitate the efforts towards finding a long-term negotiated solution to Iran's nuclear dispute (Interview with senior EU official, 1/3/2016). The negotiations in Almaty, Kazakhstan in February and April 2013 also failed as Iran resisted changing its behaviour over its nuclear policy (Reuters, 7 April 2013; Al-Monitor, 11 April 2013).

The election of the moderate president, Hassan Rouhani, in June 2013 changed the situation. Rouhani's promises to build confidence, reduce tensions with the EU and the US and show more transparency on nuclear dispute (The Guardian, 17 June 2013) increased the possibility towards finding a nuclear comprehensive solution. Once he was elected, Rouhani announced his strategy that he would 'follow the path of moderation and justice, not extremism' (The Guardian, 17 June 2013). He confirmed that his victory was 'a mandate for change and vowed to remain committed to the path of moderation and constructive engagement with the international community' (FARS News Agency, 29 June, 2013). Rouhani also highlighted that expanding and improving the country's foreign ties with the West and regional and neighbouring countries is among the top priorities of his government (Iranian Government News, 25 June 2013; MEHR News Agency, 30 June 2013). He also announced that improving the country's economic conditions tops his administration's agenda. In this regard, he promised that 'no effort will be spared in order to remove sanctions imposed on Iran' (FARS News Agency, 6 August 2013).

Concerning the nuclear issue, the new president criticised the policy of the previous government that isolated Iran and stressed that only way to solve this issue is by enhancing mutual trust between Iran and other countries (Al-Monitor, 5 August 2013). The first step to build this trust ‘will be showing greater transparency. We are ready to show greater transparency and make clear that the Islamic Republic of Iran’s actions are totally within international frameworks’ (The Guardian, 17 June 2013). He also stressed Iran’s commitment to negotiate on its nuclear issue in good faith. However, he stressed that any resolve should be based on mutual respect and win-win situation, notably recognising Iran’s right to enrich uranium (FARS News Agency, 8 August 2013; Iranian Government News, 10 August 2013).

This new Iranian approach of cooperation gave the EU more opportunity to gear the negotiations towards a comprehensive solution. At the same time, this approach gained political and public support that subsequently gave Iranian negotiators a boost to be more cooperative with the EU (Barzegar, 2014: 4; Mousavian and ShahidSaless, 2014: 5). Shortly after his election, Rouhani publicly promised to replace the policy of confrontation with one of reengagement with the EU and the other international powers (Foreign Affairs, 25 June 2013).<sup>41</sup>

The new Iranian government was welcomed by the EU with optimism of a swift diplomatic solution to the nuclear issue (European Union, 2013b). Considering that with Ahmadinejad, a diplomatic solution would not have been possible, Rouhani was definitely seen as a man of hope who could bring a new approach to facilitate the negotiations over the comprehensive agreement (Interview with senior EU official, 1/3/2016). The US also showed its readiness ‘to engage directly with the Iranian government’ (Kerry, 2013).

Taking advantage of Iranian behavioural change to return to the negotiating table even before Rouhani was elected; the E3/EU began to focus on direct talks with the Iranian officials without preconditions to get the final deal. At the same time, Ashton successfully increased her efforts to approach Iranian officials (Agence France Presse, 6 August 2013; European Union, 2013c) and other partners (Agence France Presse, 16 July 2013; The Associated Press, 6 September 2013) to start structuring the negotiation process to find a comprehensive solution guaranteeing the peaceful nature of Iran’s nuclear programme and allowing Iran to enrich limited uranium (Interview with senior EU MS official, 29/2/2016).

Indeed, the E3/EU+3 guaranteed Iran's right to enrich uranium below 5 percent and the gradual relief of sanctions-related to nuclear activities. This win-win situation was significant as it gave the Iranian negotiators a boost to be more cooperative (Berzegar, 2014: 1-2). Given that the demand of 'zero enrichment' had been one of main reasons of the failure of the negotiations (Mousavian and ShahidSaless, 2014: 9), the potential of a 'win-win' deal was perceived by Iran as a good opportunity (Deutsche Welle, 11 September 2013). Iran was therefore keen to change its behaviour and decided to have serious transparent talks to find a mutually beneficial agreement (Iranian Government News, 23 September 2013).

In effect, the existence of a mutually beneficial interests and Iran's cooperative behaviour resulted in substantial and fruitful talks in late 2013 (The Associated Press, 26 September 2013; FARS News Agency, 15 October 2013; The Guardian, 7 November 2013). For the first time, Iran showed determination to resolve its nuclear issue (Ashton, 2013a) and demonstrated its commitment to respond positively to the concerns being raised by the E3/EU+3 (Ashton, 2013b). Indeed, Iran agreed to give IAEA officials greater access to some of its nuclear facilities and a plant that produce heavy water (The Washington Post, 12 November 2013). Rouhani further affirmed readiness to accomplish a win-win deal with the E3/EU+3, stating the win-lose game can never be successful (MEHR News Agency, 20 October 2013).

In late November 2013, successful negotiations between the E3/EU+3, led by Ashton, and Iran resulted in a mutually beneficial solution. Iran had to neutralise its stockpile of uranium that has been enriched to 20 percent, to dismantle any uranium above 5 percent, to stop developing more facilities or installing more centrifuges and to stop all work at its under-construction nuclear reactor at Arak. In exchange, Iran could use some of its existing nuclear facilities or enrich uranium, but not above 5 percent. Moreover, the E3/EU+3 vowed not to impose new embargo measures for six months (Joint Plan of Action, 24 November 2013).<sup>42</sup> Having done this, the negotiations eventually resulted in a significant interim deal (Joint Plan of Action (JPOA)) on 24 November 2013, which entered into force on 20 January 2014 (Agence France Presse, 24 November 2013).

This deal was significant as it addressed the E3/EU+3 concerns, most notably the assurance that Iran's nuclear programme would be exclusively for peaceful purposes. At the same time, it addressed Iran's concerns, particularly the recognition of its right to enrich limited uranium and the approval to relieve sanctions. Furthermore, this deal was

crucial first in easing tensions and then to discuss and finalise the final long-term agreement (Interview with senior EU official, 3/3/2016). Ashton and Iran's foreign minister, Mohammad Zarif, in a joint statement for the first time, confirmed they 'share a strong commitment to negotiate a final, comprehensive solution', considering the agreement as a significant step towards developing mutual relationships in a more constructive way (Ashton and Zarif, 2013). This mutual understanding further boosted Iran to express its readiness to immediately begin the talks towards final stage of final nuclear agreement (Kayhan, 25 November 2013).

The EU immediately expressed its commitment 'to take necessary steps and to suspend those EU sanctions as set out in the Joint Plan of Action immediately after the IAEA has verified the implementations of the nuclear-related measures by Iran and on the basis of a recommendation by the High Representative' (Council of the EU, 2013). The US also affirmed its commitment to refrain from imposing new sanctions and to allow Iran access to a portion of the revenue that it had been denied through sanctions (The White House, 24 November 2013).

Based on the above discussion, it can be said that this deal was a success of the dual-track strategy. The EU was internally effective during the process of increasing pressure on, and maximising incentives to, Iran, which successfully brought Iran to the negotiating table (Interview with senior EU official, 3/3/2016). This was complemented by transatlantic cooperation as the US recognised, in line with the EU position, Iran's right to enrich limited uranium and to lift sanctions (Interview with senior EU official, 4/3/2016). Moreover, Rouhani's policy of cooperation and willingness to find an agreement was another key factor that facilitated the negotiations towards the interim deal (Mousavian and ShahidSaless, 2014: 9). The talks in February, in March and in April 2014 in Vienna were therefore positive and complementary to this deal (Ashton, 2014; Ashton and Zarif, 2014a; 2014b).<sup>43</sup>

In the meantime, former Italian Foreign minister, Federica Mogherini was appointed as new HR/VP in late August 2014. The appointment of Mogherini as new HR/VP to replace Ashton did not change the EU's approach. Upon taking office, her view of Iran's nuclear dispute was that the negotiations were in a decisive phase and there was a hope of achieving a comprehensive diplomatic solution. However, Iran should 'take the strategic decision to open the way for a historic and final settlement of the nuclear issue which would also mark the beginning of a new chapter in relations between Iran and the

international community' (Mogherini, 2014). To ensure the continuity of negotiations, Mogherini also decided to appoint Ashton as her special advisor for facilitating the nuclear talks with Iran (European Union External Action, 2014).

The talks in September and November 2014 intensively focused on the size and scope of Iran's nuclear uranium enrichment capacity (Reuters, 17 September 2014). However, to finalise everything, the E3/EU+3 and Iran once again agreed to extend negotiations for up to an additional seven months (Ashton and Zarif, 2014d). Meanwhile, during the negotiations in late March 2015 in Lausanne/Switzerland, a split emerged between France and the US over the lifting of sanctions that might endanger the EU-US convergence and hence the EU's external effectiveness. While the US proposed a scheme for a phased lifting of UN sanctions in return for concrete Iranian actions to limit its nuclear programme (The Guardian, 21 March 2015), France wanted to offer a merely symbolic easing of the punitive measures until the robust agreement had been reached (Reuters, 21 March 2015). France was worried that the quick repeal of the UN sanctions before Iran had fulfilled all the agreement requirements might lead to the collapse of the EU and the US financial leverage over Tehran (The Wall Street Journal, 20 March 2015).

Importantly, this division turned out to be short-lived and neither hindered the EU common position nor the EU-US convergence. Soon, France's position was seen by Mogherini, Germany and the UK, as a contribution to their efforts towards a final deal. In fact, after a talk with the E3, Mogherini confirmed that 'there is unity on the fact that we want a deal, we want a good deal' (Reuters, 21 March 2015). President Obama and President Hollande also 'reaffirmed their commitment to achieving a long-term comprehensive deal that fully and verifiably addressed the international community's concerns about Iran's nuclear program' (The White House, 20 March, 2015).

The E3/EU+3 and Iran eventually agreed on a political framework for a deal on 2nd April 2015 and reached solutions on key parameters of the Joint Comprehensive Plan of Action (JCPOA), paving the way to conclude the final text and annexes by 30 June 2015 (Mogherini and Zarif, 2015a). In fact, by creating a fair deal that addressed the E3/EU+3 concerns and Iran's concerns, the negotiators eventually reached the JCPOA on 14 July 2015 (Mogherini and Zarif, 2015b). The EU high internal effectiveness translated into this high external effectiveness mainly due to Iran's cooperative behaviour and the proposal of a mutually beneficial plan that addressed the interests of the E3/EU+3 and Iran, as well as the EU-US cooperation.



This was a balanced agreement and created a mutually advantageous situation (Shirvani and Vukovic, 2015: 79-80). On the one hand, it addressed the E3/EU+3 concerns, in which the Iranian nuclear programme would be exclusively for peaceful purposes, the Arak facility would be dismantled, enrichment from Fordow underground facility would be dismantled, only minimal centrifuges were allowed and Iran vowed that it would never acquire nuclear weapons. On the other hand, Iran would be able to fully enjoy its right to nuclear energy for peaceful purposes under the NPT, all UNSC sanctions and the EU and US sanction related to Iran's nuclear programme would be lifted, and more importantly, Iran would be permitted to continue conducting limited enrichment, up to 3.67 percent, exclusively in the Natanz facility (JCPOA, 14 July 2015).

This agreement was deemed by both Mogherini and Zarif as a historic successful decision for the political will and mutual respect of all parties (Mogherini and Zarif, 2015b). The EU Council soon praised and endorsed the JCPOA, as well as expressed its commitment to abide by its terms, to follow the agreed implementation plan, and that the lifting of economic and financial sanctions would come into effect once the IAEA had verified that Iran had implemented its nuclear-related commitments as stipulated in the JCPOA (Council of the EU, 2015). Iran also praised the reciprocal measures and commitment of the JCPOA (MEHR News Agency, 20 July 2015). Zarif considered it an 'important achievement for diplomacy over pressure and coercion. Thirty-some years of coercion against Iran produced nothing for the West, and now two years of diplomacy and respect produces an important deal' (Al-Monitor, 15 July 2015).

For the EU, this deal was not only important as it did curb Iran's nuclear capabilities, but also because it has the potential to bring Iran to address the EU's other concerns beyond the nuclear issue (Geranmayeh, 2015: 1). This deal also proved the success of the EU's dual-track approach of on the one hand, a process of dialogue and on other hand, a leverage of sanctions (Interview with senior EU official, 1/3/2016). Sanctions played a role in shaping Iran's decision-making on whether and how to negotiate, though it was less obvious that sanctions contributed to generating the ultimate outcome (Maloney, 2015: 888). The EU played a pivotal role in facilitating the achievement of this deal (Shirvani and Vukovic, 2015: 81) by actively leading and safeguarding not only the negotiations but also the implementations of a final deal (Geranmayeh, 2015: 5). The role played by the EU and particularly its HR 'was instrumental in bringing these negotiations to a successful conclusions' (Council of the EU, 2015). The EU, as a senior EU official highlighted, 'played a fundamental role because it was united and had a strong mandate from the UNSC

to negotiate with Iran and because we had leverage as the EU sanctions were in place and already affected Iran' (Interview, 4/3/2016).

## Conclusion

This chapter has addressed the effectiveness of the EU's policy from 2006, when Iran resumed its nuclear enrichment activities, until 2015, when a comprehensive agreement on Iran's nuclear programme was signed. The main objective was to curb Iran's capability to enhance its nuclear enrichment activities, bring the country to the negotiating table and make it comply with the UNSC and the IAEA demands. This period featured by multilateral negotiations in different venues and the dual-track approach towards Iran: increasing pressure on while maintaining dialogue with the country. The adoption of the 2015 agreement, establishing that Iran would not seek to acquire nuclear weapons and that its nuclear activities would be exclusively for peaceful purposes, represents the culmination of all these activities, in which the EU acted very cohesively and purposefully. Importantly, Iran's nuclear issue became a major test for the EU's capabilities to tackle global issues such as nuclear proliferation. Overall, this period can be characterised by high EU internal effectiveness and high EU external effectiveness.

As for internal effectiveness, the EU managed to behave coherently and purposefully and was fully recognised by all parties as a significant player in the negotiations. An important role, particularly in the last part of this period, was played by the High Representative, who during a series of negotiations since late 2010, and particularly ones over the interim and final agreements, was able to speak on behalf of all EU Member States. It should be noted that, with the Treaty of Lisbon, the position of the HR was significantly strengthened, particularly on the possibility to conduct political dialogue with third parties. While it is difficult to establish a direct link between institutional reforms and EU internal, and then external, effectiveness, it can still be safely claimed that the presence of an official mandate for a EU representative – in this case the HR – to speak and negotiate on behalf of the whole EU significantly enhances the likelihood for the EU to effectively pursue its goals in international affairs.

Empirical findings also point to the willingness of Member States to act in a united fashion and fully embrace the common position. Importantly, the Member States did not hesitate to agree on the imposition of sanctions when Iran openly manifested its ambitions to advance

its nuclear capabilities. This was the first time that the EU imposed sanctions over nuclear proliferation issues, but it was fully justified by the fact that Iran's nuclear threat was potentially more costly than any economic loss.

This chapter has also shown that high internal effectiveness translated into high external effectiveness: clearly, the EU's ability to act coherently and purposefully placed the EU in an ideal situation to punch above its weight, yet the EU shaping and taking advantage of a favourable external context was also crucial. In particular, the EU largely benefited from the E3/EU+3 diplomatic format. Transatlantic cooperation was certainly important to increase pressure on Iran; furthermore, the agreement of Russia and China, as members of the UNSC, added further pressure on Iran.

The EU's shift from initially using coercive diplomacy towards more cooperative diplomacy was of fundamental importance. The initial imposition of sanctions proved counterproductive as Iran gradually became more inflexible. When the EU started to effectively address and largely accommodate some of Iran's requests, particularly those that were very salient in domestic politics – enriching uranium was seen as an inalienable right and the request of zero enrichment was perceived as a threat to national identity – Iran started engaging more constructively. A solution was not yet possible under President Ahmadinejad, who was very confrontational, but came through with the election of President Rouhani, who was more willing to cooperate with the international community and more eager to end a decade of isolation for his country. The adoption of the 2015 agreement, ensuring that Iran would not seek to acquire nuclear weapons and that its nuclear activities would be exclusively for peaceful purposes, facilitated the normalisation of relations between Iran and the international community, but also demonstrated, once again, the importance of the target country's behaviour for the EU's external effectiveness.

## Chapter 6

# Comparative analysis: reflecting on the EU's action towards Iran

### Introduction

This chapter aims to link the empirical findings presented in chapters three, four, and five to the theoretical framework developed in chapter two with the view to addressing the question of what explains variation in the effectiveness of the EU's actions towards Iran, particularly on the nuclear issue. To do so, it has used the concept of effectiveness, as employed by scholars in EU external relations. Importantly, while the external effectiveness of the EU in different policy fields such as trade and environment has attracted some academic attention, the EU's effectiveness towards a third country has been largely overlooked. This thesis has attempted to fill this gap and in doing so, it may be useful for forthcoming research.

The empirical cases have focused on the link between internal effectiveness and external effectiveness, including some external factors which enable (or prevent) internal effectiveness to translate into external effectiveness. In contrast to the claim that the EU is unlikely to be an internally and externally effective actor in the area of foreign policy because of the intergovernmentalist characteristic of the decision-making process (Thomas, 2012; Van Schaik, 2013; Conceição-Heldt and Meunier, 2014), this study argues that the EU can be an effective actor in foreign policy, specifically vis-à-vis a third country. However, EU external effectiveness is contingent upon its ability to be an internally effective actor, as well as a favourable external context, shaped by the position of other international actors (particularly the US), the behaviour of the target country, and the EU negotiating style.

This study, whilst acknowledging the problems related to measuring effectiveness, has proposed to measure both internal and external effectiveness along a continuum ranging from low, medium to high. As for internal effectiveness, the EU is highly effective when, recognised by the target country and other international actors, it is able to act autonomously and coherently. Medium internal effectiveness is achieved when one of the

aforementioned criteria is missing. Low internal effectiveness is achieved when more than one criterion was lacking. As for external effectiveness, the EU is highly effective when most of its key goals are met. If some of the EU's goals are met, then EU external effectiveness is rated as medium. External effectiveness is considered low when only few of the EU's objectives are met.

The remainder of this chapter is broken into three main sections. Section one revisits the three periods of this study, before the subsequent two sections apply the theoretical framework to each period in question. Section two focuses on those factors identified as crucial in explaining the EU's internal effectiveness, namely autonomy, coherence and recognition. Section three concentrates on the external context, showing how the position of other international actors, the target country's behaviour and the EU negotiating style affect the EU's external effectiveness.

## **1.Revisiting the long journey to the 2015 agreement**

This thesis is a longitudinal study covering more than 20 years, divided into three periods, each period being treated as a separate case: first, from 1992 to 2002; second, from 2003 to 2005; and third, from 2006 to 2015. Analysing the EU's effectiveness vis-à-vis Iran through a longitudinal study has enabled us to trace the evolution of events and the behaviour of the EU, Iran and other international actors, as well as to explain the effectiveness of the EU across different situations. More importantly, by analysing various internal and external factors that might enable or undermine the EU's effectiveness, it has contributed fresh insights to explaining the effectiveness of the EU towards third countries.

A crucial fact to highlight is that the effectiveness of the EU has varied considerably across time. In the first period, the EU demonstrated low effectiveness, both internally and externally: low internal effectiveness translated into low external effectiveness, and the EU failed to achieve most of its objectives. The second period is the case of high internal effectiveness and medium external effectiveness: high internal effectiveness together with Iran's cooperative behaviour resulted in medium external effectiveness because the lack of support from the US, or better limited transatlantic cooperation, undermined the EU's ability to reach a long-term comprehensive agreement on Iran's nuclear programme – though some of its intermediary objectives were still achieved. In the third period, high internal effectiveness translated into high external effectiveness as the EU achieved its far-

reaching goals, most notably preventing Iran from acquiring nuclear weapons and ensuring that Iran's nuclear activities would exclusively be used for peaceful purposes. Crucially, the EU's ability to reach most of its goals was the result of high internal effectiveness and a favourable external context, notably Iran's cooperative behaviour, strong transatlantic cooperation and the offer of a mutually beneficial plan addressing the interests of all parties, that is the E3/EU+3 and Iran. In fact, the existence of an unfavourable external context, characterised by Iran's confrontational behaviour and the use of coercive diplomacy by the EU refusing to make any concessions, had previously undermined the possibility that high internal effectiveness could be translated into high external effectiveness.

Another significant aspect of the three periods concerns the various policy objectives pursued by the EU. The first period is the case in which the EU did not directly address the nuclear issue, but focused on other crucial matters. In particular, through critical dialogue and comprehensive dialogue, it was decided that any progress on political and economic relations would be conditioned upon improvement of Iran's record on human rights, terrorism, and the fatwa against Salman Rushdie. It should be noted that the early 1990s as a starting point was chosen as 1992 marked the beginning of formal relations between the EU and Iran after more than a decade of a de facto frozen relations following the Islamic Revolution in 1979.

The second period saw an increasing shift of attention towards the nuclear issue (taking precedence over any other matter), as a consequence of the revelation of Iran's nuclear activities, particularly the previously undeclared nuclear facilities, such as heavy water plant near Arak and centrifuge enrichment plant near Natanz. In these few years, the main far-reaching goal of the EU was to find a long-term comprehensive diplomatic solution to the nuclear crisis, thus preventing any military escalation. This attempt to achieve a diplomatic and comprehensive solution was mostly promoted by the EU, as other international actors – such as the US, Russia and China – pursued different approaches. Other EU objectives in this period were to facilitate cooperation between Iran and the IAEA, in particular through the suspension of Iran's enrichment activities on a voluntary basis and its signing and adhering to the IAEA Additional Protocol.

This period also bestowed the EU a real test to effectively act in international affairs mainly because, at the time, the EU was going through a bitter division between 'new Europe', led by the UK, and 'old Europe', led by France and Germany, over the war

against Iraq in 2003. Moreover, Iran's nuclear issue became a major test for the EU's capabilities as a global actor to tackle global issues such as nuclear non-proliferation. In particular, the EU's non-proliferation policy lacked a common strategy over the 1990s and early 2000s, but with the adoption of the European Security Strategy in 2003 one of the EU's aims in foreign affairs became that of effectively addressing non-proliferation issues.

The third period is when the EU adopted a dual-track approach towards Iran: increasing pressure on while maintaining dialogue with the country. In contrast to the previous periods, this period was characterised by multilateral negotiations in different venues, with a crucial role played by E3/EU+3, and in particular the EU HR. The resumption of uranium enrichment activities by Iran in 2006, thereby ending the country's voluntary suspension of nuclear enrichment activities, marked the beginning of a major shift by the EU, which in fact followed a much harsher approach. The main objectives was to curb Iran's capability to enhance its nuclear enrichment activities, bring the country to the negotiating table and make it comply with the UNSC and the IAEA demands. The ultimate goal remained that of finding a long-term comprehensive diplomatic solution, making sure that Iran would not seek to acquire nuclear weapons and that its nuclear activities would be exclusively for peaceful purposes. The adoption of the 2015 agreement represented the culmination of all these efforts.

## **2. Explaining EU internal effectiveness**

In this section, the criteria identified in the theoretical framework to explain EU internal effectiveness, namely autonomy, coherence and recognition, are critically analysed in light of the findings of the three empirical chapters. As discussed in the theoretical framework, explanation of the EU's internal effectiveness – and consequently external effectiveness – has been based on two main arguments. First, the EU can behave actively and purposefully in international affairs when it assumes an autonomous and coherent position, and when it is recognised by other international actors (Jupille and Caporaso, 1998; Bretherton and Vogler; 2006; Nieman and Bretherton, 2013). Second, the EU's capacity to act is necessary, but not sufficient, for its ability to reach its objectives in global affairs, mainly in multilateral negotiations (Conceição-Heldt and Meunier, 2014; Delreux, 2014; Börzel and van Hüllen, 2014). Contributing to this debate, this study argues that the criteria of autonomy, coherence and recognition are also expected to substantially affect the EU's ability to act and then to pursue its objectives vis-à-vis third countries.

## ***Autonomy***

Autonomy refers to the independence or separateness of the EU from its MSs. Its importance is not just linked to the necessity to clearly separate the EU's actions from those of its MSs, but also to the need to establish whether specific achievements should be attributed to the EU or to the EU MSs. To be considered an autonomous actor, the EU should be actually involved in the negotiations: this would entail that the EU HR, one or a group of its MSs, are mandated by the EU Council to speak and negotiate on behalf of the whole EU. When this occurs, the expectation is that the EU is more able to act and then to pursue its goals in the international arena (Sjöstedt, 1977; Jupille and Caporaso, 1998; Groenleer and Van Schaik, 2007; Bretherton and Niemann, 2013). Tracing the EU's action towards Iran over a long period, this study shows how the EU's autonomy over the years has varied, progressing from low to high.

During the first period, the EU was not able to act autonomously. This was due mostly to the different political and economic interests of different Member States. No actor was able of speaking on behalf of the whole EU. Although the EU Troika (consisting of current, former and future presidencies) was supposed to externally represent the EU, its role remained symbolic: meetings with Iranian officials were held twice a year, but not much was achieved even when Iran blatantly failed to address some of the EU's crucial concerns. Unsurprisingly, the EU was unable to launch any significant action in relation to its policy of critical and comprehensive dialogue, for instance, in response to Iran's violations of human rights and alleged terrorist activities. At the same time, it should be noted that several EU MSs conducted their bilateral policies independently, in most cases disregarding jointly agreed decisions. The appointment of Javier Solana as the first EU High Representative for Common Foreign and Security Policy following the adoption of the Amsterdam Treaty in 1997 did not change the situation, as he was given no mandate to negotiate with Iran on behalf of the whole EU.

During the second period, the EU was more able to behave autonomously. At the beginning of the nuclear crisis in 2003, the EU's autonomy was limited as again no specific actor was mandated by the EU Council to represent the whole EU. The first initiative in response to the announcement by Iran of its nuclear enrichment programme came from the three most powerful European countries, that is Germany, France and the UK. The E3 shared the view with the rest of EU MSs that Iran had to be persuaded to halt its nuclear enrichment activities and a comprehensive long-term diplomatic solution to



Iran's nuclear dispute had to be found, yet they did not formally speak on behalf of the whole EU. The scenario changed in December 2003 when the EU Council mandated the HR and the E3 to conduct negotiations with Iran on behalf of the whole EU. In fact, the main reason why Solana joined the E3 was to represent the other EU MSs. This formal authorisation notably increased the EU's chances of finding a solution to the nuclear crisis, offering Iran incentives to facilitate compliance and threatening to refer its case to the UNSC in case of non-compliance. The E3 plus HR were thus able to conduct some important negotiations with Iran, resulting for instance in the Paris Agreement of late 2004.

During the third period, the EU's capacity to act autonomously further increased. The E3 plus HR managed not only to conduct several negotiations with Iran on behalf of the whole EU, but also to make crucial decisions, such as the one to refer Iran to the UNSC. Importantly, they managed to shape the agenda of the newly-created diplomatic platform of E3/EU+3 (composed of the E3 and the EU HR, plus the US, Russia and China) through the acceptance of the dual-track approach. Importantly, in spite of their different interests, the most reluctant EU MSs did not openly question or undermine the EU's decision to impose sanctions against Iran. More than this, the E3 plus HR were able to conclude the interim deal in November 2013 and the final comprehensive agreement in July 2015. The EU HR, Javier Solana first, Catherine Ashton and Federica Mogherini eventually, played a major role, leading the negotiations and speaking on behalf of all seven actors.

Overall, the three empirical chapters show that, by acting autonomously, the EU is more able to behave purposefully in the international arena. Interestingly, the EU's capacity to act improved after the involvement of the HR in the negotiations and the official authorisation granted by the EU Council to the E3 plus HR to speak and negotiate on behalf of the whole EU. Endorsement from all MSs was crucial because without it the E3 would not have been able to neither offer Iran economic incentives in case of compliance (in the form of preferential trade and cooperation agreement or support to Iran's application to WTO membership) nor threaten it with the imposition of sanctions in case of non-compliance.

## ***Coherence***

Coherence refers to the EU's ability to formulate a clear common position, with policy goals supported by all its constituent parts. As detailed in chapter two, the existing

literature has reached two general conclusions. First, there is positive correlation between coherence and the EU's capacity to act and achieve its goals in international politics (Jupille and Caporaso, 1998; Bretherton and Vogler, 2006; Thomas, 2012; Van Schaik, 2013; Niemann and Bretherton, 2013; Conceição-Heldt and Meunier, 2014). In this sense, through successive treaty reforms from Maastricht Treaty in 1992 to Lisbon Treaty in 2009, the intention of policy-makers has been that of strengthening EU external coherence. Second, the EU's legal competence does matter in improving EU external coherence and effectiveness. Thus, EU coherence would be high in cases of exclusive competence such as trade policy (whereby the EU has a sole responsibility), and low in cases of no competence such as in foreign and security policy (whereby the EU only has competence to co-ordinate and support the actions of the EU MSs) (Laatikainen and Smith, 2006; Groenleer and Van Schaik, 2007; De Jong and Schunz, 2012; Van Schaik, 2013; Conceição-Heldt and Meunier, 2014).

The empirical findings of this study indicate different possibilities in relation to the EU's ability to act coherently: some corroborate the aforementioned conclusions, others challenge them. Importantly, a new strand of the literature, to which this study adds, suggests that the EU's coherence and capacity to act is affected by the level of policy determinacy (Thomas, 2012; Carbone, 2013). The argument is that the EU is more coherent and capable to act, and hence be effective, when it is able to formulate policies and goals that put tight boundaries for acceptable behaviour of its MSs so as to attain the agreed objectives.

During the first period, the EU was able to purposefully articulate its goals and all MSs, in theory, agreed that development of economic and political relations with Iran should be conditioned upon Iran's improved record on various crucial issues for the EU, notably human rights, terrorism, and the fatwa against Salman Rushdie. However, a number of problems threatened EU coherence. First and foremost, no clear and specific boundaries on the behaviour of the MSs were set. For this very reason, it was not so difficult to reach a common position. The lack of clear and specific boundaries left significant room of manoeuvre to MSs, which were free to pursue their own interests, at times in contrast with jointly agreed positions at the EU level. Countries like France and Italy sought to boost trade exchanges, whereas others were more concerned with normative issues: Denmark, in particular, decided to withdraw from the critical dialogue process and suspended bilateral relations with Tehran. This conduct, unsurprisingly, weakened the EU's ability to address Iran's non-compliance record. For instance, in response to Iran's alleged terrorist activities

(specifically in the case of the Mykonos crisis) and violations of human rights, the EU's response was largely rhetoric. Underscoring the limits of the EU's common position, which called on all MSs to recall their ambassadors from Iran, Greece failed to do so.

During the second period, the EU managed to act more coherently, in response to the discovery of Iran's nuclear enrichment activities. Thus, the EU set specific goals, namely finding a diplomatic and long-term comprehensive solution to the crisis, with the view to bringing Iran to suspend its nuclear enrichment activities by addressing and complying with the IAEA demands, signing and adhering to the IAEA Additional Protocol. A strong political willingness to act as one from the EU MSs sitting on the IAEA Board of Governors – in line with what they had agreed upon at the EU level – was necessary for the EU's ability to act coherently and bring Iran to comply with the IAEA demands. Incidentally, it should be noted that the IAEA plays a significant role on issues related to the nuclear programme of countries, including demanding them to abide by their obligation under the NPT, but it has no power to sanction in the case of non-compliance. Interestingly, the EU's ability to act as one initially seemed to be negatively affected by the joint initiatives taken by France, Germany and the UK. Although the E3 approach broadly coincided with that promoted by the rest of the EU, their action did not amount to a genuine EU initiative as it was not formally endorsed by the EU Council. Eventually, the involvement of the HR in the negotiations, representing all MSs, put a remedy to this situation: at this point, the E3 (plus HR) initiative became an EU initiative and, consequently, the EU was able to act more coherently.

During the third period, the EU's ability to act coherently was further enhanced, in spite of the fact that the economic challenges faced by various MSs were expected to undermine the EU's ability to present a coherent position. The EU's ability to act coherently was evident in various venues, within the EU but also at the IAEA and the UNSC. The Council of the EU adopted several common positions, enacting different restrictive measures against Iran, some implementing UNSC resolutions, others imposing EU sanctions. The adoption of these restrictive measures, in particular oil sanctions, was not easy given the fact that many EU MSs had considerable trade connections with Iran – overall, the EU was importing about 25% of the total of Iranian oil. Due to the high dependence on Iranian oil and the adverse consequences of the concurrent global financial crisis, some MSs, in particular Greece, Italy and Spain, were at first reluctant, but eventually accepted the collective wish. Importantly, these restrictive measures were binding and directly applicable on MSs, thus setting clear boundaries on their behaviour – and this is one of the main reasons why some

MSs often tend to resist sanctioning third countries. The EU's position was acted upon by all MSs, whose bilateral economic policies were aligned with what had been agreed upon at the EU level. Importantly, the readiness of countries like Greece, Italy or Spain to sacrifice their economic interests was a clear manifestation of their desire to boost the EU's role in the area of non-proliferation and security, and more generally as an effective global actor.

Overall, the three empirical studies demonstrate that, by acting coherently, the EU is more capable of effectively pursuing its objectives in the international arena. They also challenge the conventional wisdom that legal competence – or more EU supranational decision-making process – is crucial to explain coherence: the EU can be an effective foreign policy actor and more than the sum of its parts even in the presence of intergovernmental decision-making processes. In fact, this study suggests that other factors, such as the political willingness of MSs to act as one or the EU's ability to formulate determinate policies, provide better explanations for enhanced coherence.

## ***Recognition***

Recognition refers to the interaction with and the acceptance of the EU as an actor by other international actors. It has generally been claimed that recognition of the EU by states and/or international organisations increases the EU's capacity to act as well as to reach its objectives and have influence in international politics (Jupille and Caporaso, 1998; Groenleer and Van Schaik, 2007; Brattberg and Rhinard, 2013; Panke, 2014). This study, adding to this literature, emphasises recognition by the target country as a crucial factor significantly affecting the EU's ability to effectively act in international politics.

During the first period, the EU was recognised by Iran, with which it engaged in bilateral negotiations over different issues, such as in the case of the policy of critical and comprehensive dialogue and the TCA negotiations – and therefore no other international actor was necessary to formally recognise its role. These interactions, however, did not result in any significant achievement regarding some topics of major interest to the EU – though as explained earlier, this outcome was mostly due to the EU's inability to act autonomously and coherently.

During the second period, recognition of the EU as an actor was broader, involving various actors. Iran officials directly interacted with the EU, represented by the E3 plus the HR, in

various negotiations and welcomed the EU's role in finding a diplomatic solution to the nuclear crisis. Further recognition of the EU and its diplomatic efforts was necessary given that Iran's nuclear programme had become an international problem: major powers such as the US, Russia and China, and international organisations, such as the IAEA, were involved in diplomatic talks. Importantly, by endorsing the Paris Agreement, the IAEA recognised the EU's diplomatic attempt to resolve the nuclear crisis. This recognition was necessary for the EU's ability to shape the agenda in line with its objectives: in this sense, the IAEA committed not to take further steps, such as referring Iran to the UNSC while the negotiations between the EU and Iran for a comprehensive agreement were underway. Still, the US recognition (and acceptance) of the EU's diplomatic efforts was crucial to find a comprehensive solution to the nuclear crisis: without the US on board, the EU would not have been able to provide Iran with what it wanted most, notably the right to enrich uranium, the security guarantees or support to its application for WTO membership.

During the third period, there was more explicit recognition of the EU by countries, international organisations as well as by Iran, in different contexts. In particular, the US, Russia and China – within the E3/EU+3 diplomatic platform and at the UNSC – were now strongly involved in the talk to solve the nuclear crisis. Their formal endorsement, in the context of the UNSC, of the June 2006 proposal, which had been initiated by the EU, denoted an implicit recognition of the EU's diplomatic efforts. This wider recognition was further enhanced by the explicit recognition of the EU's role by the UNSC. The UNSC in its resolutions of March 2008 and of June 2010 also explicitly recognised the EU's leading role by tasking the EU HR to continue dialogue with Iran so as to find a negotiated solution. Authorising the EU HR to speak and negotiate on behalf of the E3/EU+3 was a significant explicit recognition of the significant role played by the EU. This recognition was necessary to enable the EU to, in line with its agenda, increase pressure on Iran while, at the same time, maintaining dialogue with the country.

Overall, the three empirical studies demonstrate that recognition of the EU as an (autonomous) actor, by the target country and relevant international actors, is a necessary condition for enhanced internal effectiveness and increases the EU's ability to act and pursue its goals in the international arena.

## **Closing remarks on internal effectiveness**

In sum, this study has shown that EU internal effectiveness has varied considerably within the three periods of this study, progressing from low in the first period (1992-2002), medium to high in the second period (2003-2005), and high in the third period (2006-2015). Importantly, autonomy, coherence and recognition are all necessary for the EU's capacity to operate purposefully in international affairs. Acting autonomously, behaving coherently and being recognised by the target country and other relevant international actors, have facilitated the EU's ability to pursue its goal of finding a comprehensive settlement to Iran's nuclear crisis. Findings have also challenged the conventional view that legal competence – or more supranational EU decision-making processes – matters in explaining EU internal (and consequently external) effectiveness. It has been also found that the EU's limited competence on non-proliferation issues did not prevent the EU from acting deliberately and purposefully. In fact, what actually mattered was the EU's ability to formulate determinate policies, and with it the willingness of the EU MSs to act upon what they agreed on at the EU level.

## **3. Explaining EU external effectiveness**

As detailed in chapter one and two, the literature on EU external relations for long time assumed that internal effectiveness would, automatically, lead to external effectiveness. The impact of external factors on the EU's ability to reach its goals in international affairs was largely overlooked. This oversight has been recently addressed yet attention has focused on multilateral negotiations. Of particular importance is the conspicuous ignoring of the effectiveness of the EU towards a third country, as well as the impact of the target country's behaviour on the EU's (in)ability to reach its objectives.

Analysis of the influence that the external context has had upon the external effectiveness of the EU vis-à-vis Iran reveals interesting dynamics and offers some explanations on why the EU's external effectiveness varies across time. External effectiveness of the EU in relation to Iran has varied between low, medium and high. This study has introduced three factors – resulting in a favourable or unfavourable context – that affect the ways in which the EU's internal effectiveness impacts on its ability to reach its goals: first, the position of other relevant international actors; second, the behaviour of the target country; third, the EU negotiating style.

## ***Position of other actors***

The position of other relevant actors is an important element of consideration when explaining variation in the EU's external effectiveness. Accordingly, when other actors, most notably the US, are at odds with the EU's approach, the EU's ability to reach its objectives is weakened. Conversely, the EU is more likely to be externally effective when other relevant actors support its position or do not promote a significantly different stance. Given the fact that the EU and the US have been the main actors in dealing with Iran's nuclear issue, this study has paid particular attention to the impact of the position of the US on the EU's external effectiveness: specifically, effective transatlantic cooperation is expected to enhance it, whereas lack of cooperation between the two is expected to impact negatively on it (Young, 2011; Van Schaik and Schunz, 2012; Groen and Niemann, 2013; Bretherton and Vogler, 2013; Conceição-Heldt and Meunier, 2014; Conceição-Heldt, 2014). Importantly, this study has documented different degrees of transatlantic cooperation since the early 1990s, going from strong disagreement to effective cooperation through dearth of dialogue.

During the first period, the EU and the US had different concerns and promoted different approaches vis-à-vis Iran, so much so that no cooperation was actually sought. While the EU was mostly concerned about Iran's poor record on human rights, its alleged terrorist activities and the death fatwa against Salman Rushdie, the US was mainly concerned about Iran's nuclear and terrorist activities, accusing Teheran of developing covert nuclear capabilities. In terms of policies, the US sought to sanction and isolate Iran, aiming to overthrow the regime, and pushing the EU to do the same. In contrast, the EU pursued a policy of conditional engagement, aiming to change Iran's behaviour over a set of specific issues. The EU, however, was not able to reach most of its goals because of the lack of internal effectiveness, rather than because of the absence of effective transatlantic cooperation.

During the second period, the US and the EU positions showed some signs of convergence, though differences persisted. Both sought to halt Iran's nuclear enrichment programme, yet there was transatlantic rift on how to achieve this objective. The EU preferred to use all diplomatic means before taking Iran's case to the UNSC. By contrast, the priority for the US was to isolate Iran and refer it to the UNSC. Following the Paris Agreement, the scenario changed, and more cooperation between the EU and the US was seen. The US started considering the EU's call upon Iran to permanently abandon its enrichment and

reprocessing activities and heavy water reactor, as well as to agree on a binding commitment not to pursue fuel cycle activities other than the construction and operation of light water power and a research reactor. The US, moreover, supported the EU's proposal for a comprehensive solution of the nuclear crisis. Importantly, this period was characterised by medium external effectiveness, in that the negotiations failed to bring Iran to permanently suspend its nuclear enrichment activities.

During the third period, with the EU decision to refer Iran to the UNSC in January 2006, the gap between the EU and the US was further bridged. In fact, transatlantic cooperation and the consensus within the E3/EU+3 group was necessary to agree upon several UNSC resolutions and increase pressure on Teheran to change behaviour. The support from Russia and China, as members of the UNSC and the E3/EU+3 diplomatic platform, was critical to find a comprehensive long-term settlement for the nuclear crisis. Transatlantic cooperation – as well as E3/EU+3 unity – was necessary to increase pressure on Iran yet it was not sufficient to bring the country to comply with the requests of the international community.

Overall, the three empirical studies suggest that no straightforward relationship can be established between transatlantic cooperation and EU external effectiveness. True, transatlantic cooperation – as well as the support of other relevant actors involved in the negotiations – enhances the likelihood of EU external effectiveness. At the same time, it cannot be concluded that EU external effectiveness is always low when other actors promote an approach that is at odds with the one pursued by the EU, and it is high when other actors support the EU's position, no matter how effective the EU is internally. Clearly, if transatlantic cooperation is insufficient to explain EU external effectiveness, then other factors, as we will see below, must affect it.

### ***Behaviour of the target country***

Another significant factor to take into consideration when explaining variation in EU external effectiveness is the behaviour of the target country. As stated in chapter two, the willingness of a target country to cooperate with the EU enables EU external effectiveness. Conversely, when the target country is uncooperative and refuses to make concessions, EU external effectiveness is of course undermined (McDonagh, 2008; Çelenk, 2009; Carbone, 2013). The willingness of the target country to cooperate might be weakened by the



salience of the issue under dispute. The argument is that the target country would likely act uncooperatively if the issue under dispute entails costs in national interests and identity (George, 1991; Ang and Peksen, 2007; Cheraghlou, 2015). In this sense, the target country would unlikely cooperate with the required demands in the absence of win-win situation (McKebben, 2010), even if severe penalties would be imposed on it (Ang and Peksen, 2007). In this case, the offer of substantial incentives to the target country is crucial to bring it comply with the required demands (Schimmelfennig and Scholtz, 2008). Moreover, the importance of the target country as a resourceful economic market to the EU and its MSs might affect the target country's behaviour whether to cooperate or resist in relations with the required demands (Lavenex and Schimmelfennig, 2009; Dimitrova and Dragneva, 2009). The target country would likely be obstructive if it has a huge market and when the EU or EU MSs depends on the country's market (Langbein and Börzel, 2013). In such a case, EU would be less likely to reach its goals (Conceição-Held, 2014).

During the first period, low external effectiveness was mainly due to the EU's inability to be an effective actor internally rather than to Iran's response to the EU's demands. A number of EU Member States such as Greece, Italy, Spain, France and Germany had significant economic interests with Iran. Importantly, some of them were not ready to sacrifice their commercial interests in the name of some EU normative interests, which had the effect of undermining the strength of the EU's policy of constructive engagement. Iran, in fact, took advantage of this situation to be less cooperative.

During the second period, Iran was more willing to cooperate with the EU. The main preoccupation for Iranian leaders, during Khatami's era, was to avoid the consequences of being referred to the UNSC; hence they were ready to find a solution based on mutual respect and understanding. The EU was able to bring Iran to temporarily suspend its nuclear enrichment-related activities, sign and adhere to the IAEA Additional Protocol. The EU's diplomatic efforts were also effective in establishing a platform that could pave the way for a comprehensive negotiated solution to Iran's nuclear programme. Yet, high internal effectiveness translated into medium external effectiveness mainly due to Iran's cooperative behaviour with the EU's policy objectives on the one hand and the lack of effective EU-US cooperation on the other hand.

During the third period, Iran initially failed to cooperate with the EU – and with other international actors – mainly because the request of zero enrichment was considered unacceptable by its leaders. The nuclear enrichment issue was treated as a vital national

interest. For this very reason, Iran strongly resisted the increasing pressure and sanctions imposed on it. It was obvious in the negotiations that Iranian leaders were not ready to sacrifice their right to enrich uranium or to give in easily to E3/EU+3 pressures. Finding a solution was not possible under President Ahmadinejad, whose behaviour was confrontational and obstructive. The election of the moderate president Rouhani in June 2013, who was eager to end a decade of isolation, significantly increased the potential to find a comprehensive solution to the nuclear crisis. The adoption of the interim deal in November 2013 and the final agreement in July 2015 were possible only when Iran, during Rouhani's Presidency, was more willing to cooperate with the international community. Such cooperative behaviour was however contingent upon the proposed plan which addressed the E3/EU+3's concerns and Iran's national interest, particularly its right of enriching uranium.

Overall, the three empirical chapters demonstrate that Iran's behaviour and response to the EU's policies and demands did matter, to a great extent, to explain variation in the EU's external effectiveness. Specifically, when the target country behaves cooperatively, EU internal effectiveness is more likely to translate into external effectiveness. This type of behaviour from Iran was facilitated by the increased isolation faced by Tehran (which had no alternatives after the UNSC sanctions) and the credibility of the approach proposed by the international community (including the EU) involving mutually beneficial solutions. Conversely, the EU's chances to be an externally effective actor are lower when the target country refuses to constructively cooperate with it.

### ***EU negotiating style***

The degree of EU external effectiveness depends also on the negotiating style that the EU employs to attain its goals. At the risk of oversimplifying, this study has identified two types of styles based on: coercive diplomacy – that is, threatening and adopting punitive measures, in particular sanctions, without making concessions or addressing any of the target country's vital interests; cooperative diplomacy – that is, making concessions and proposing mutually beneficial solutions. The existing literature has mostly focused on the effects of coercive diplomacy, showing how punitive measures are often ineffective in bringing about changes in target countries (George and Simons, 1971; George, 1991; Pape, 1997; Rose, 2005; Drezner, 2011). In this sense, the effectiveness of coercive measures largely depends on the willingness of the target country to comply with the impositions

(George, 1971b; Jentleson and Whytock, 2005/2006; Jentleson, 2006) or the ability of the coercer to effectively address some of the target country's crucial concerns (Rose, 2005) rather than the level of economic pain inflicted on the target country (Jentleson, 2006; Allen, 2008; Portela, 2010). This study has documented significant differences in the negotiating style employed by the EU between and even within the three periods, resulting in different outcomes in terms of EU external effectiveness.

During the first period, the EU's strategy of conditional engagement was based on the belief that the best way to bring change on the part of Iran was through dialogue. Thus, the EU did not threaten or imposed any coercive measures, even when Iran failed to address crucial concerns for the EU such violations of human rights and alleged involvement in terrorist activities. However, given the fact that the EU was not able to act autonomously and coherently, its negotiating style did not play a major role in explaining external effectiveness.

During the second period, following Iran's revelation of its nuclear enrichment programme, the EU changed strategy, yet its coercive diplomacy consisted of threatening Iran to refer its case to the UNSC if it did not comply with the IAEA and the EU demands. The EU did halt the negotiations over the TCA, yet it never resorted to the use of sanctions, not least because Teheran cooperated with the EU by suspending its nuclear enrichment activities and supporting the idea of a comprehensive and diplomatic solution to the nuclear crisis. However, Iran cooperated with the EU because the suspension of its nuclear enrichment activities was temporary and voluntary: the aim was that of finding a mutually beneficial solution that ensured that Iran's nuclear programme would remain for peaceful purposes, but at the same time recognising its right to enrich uranium. Thus, the request of a permanent and legally binding suspension of Iran's nuclear enrichment activities by the EU following the Paris Agreement without addressing Iran's right to enrich uranium was not acceptable to Iran's policy-makers and thus became the main reason for the failure of the negotiations over the EU's proposal of August 2005. The EU's offer of resumption of the TCA negotiations, support of Iran's accession to the WTO, and the access to peaceful nuclear technology were not considered by Iran adequate offers in exchange of a legally binding suspension of its enrichment activities and the guarantee that its nuclear programme would be used for peaceful purposes.

During the third period, the initial use of coercive diplomacy did not facilitate the achievement of the EU's goals. A number of restrictive measures against Teheran were

adopted, so much so that Iran eventually became one of the most sanctioned countries in the world. The EU, however, failed to appreciate that Iran was ready to bear the costs of sanctions given the fact that enriching uranium was entangled with its national identity. Rather, the sanctions proved counterproductive as Iran increasingly became more inflexible, and strengthened the legitimacy of political leaders domestically. High internal effectiveness and strong transatlantic cooperation were not sufficient to bring Iran to change behaviour: Iran kept insisting on the right to enrichment and on the immediate lifting of sanctions, whereas the E3/EU+3 maintained their position on the policy of zero-enrichment and rejected lifting sanctions before Iran suspended its nuclear enrichment programme. The use of a more cooperative negotiating style, which accommodated some of Iran's requests related to its right to enrich uranium and included the agreement to lift sanctions, helped defuse Iran's resistance to the E3/EU+3 demands and played a pivotal role leading to end the nuclear crisis with the adoption of the comprehensive agreement in July 2015.

Overall, the three empirical chapters show how the EU negotiating style contributes to explaining variation of the EU's external effectiveness towards Iran. Specifically, when the EU engaged in coercive diplomacy without adequately addressing some of Iran's crucial interests, the likelihood of EU external effectiveness was significantly lowered – even when the EU and the US took the same approach. By contrast, the use of cooperative diplomacy proposing solutions that addressed some of Iran's vital interests weakened Iran's reasons not to accept the EU's requests, the likelihood of high external effectiveness was considerably enhanced.

### **Closing remarks on the external context**

In sum, the empirical findings have suggested that EU internal effectiveness is necessary, but insufficient to explain EU external effectiveness, which in fact is also contingent upon the external context in which the EU operates. In particular, the negotiations over Iran's nuclear programme have demonstrated that focusing only on the position of the US (and related transatlantic cooperation) cannot always provide us with a full explanation of why the EU is (un)able to reach its objectives vis-à-vis third countries. Importantly, the behaviour of the target country and the negotiating style used by the EU must be taken into account to explain why EU effectiveness towards Iran varied, ranging from low to high through medium.

## Conclusion

Using the factors identified in the theoretical framework and drawing on the empirical findings from the previous three empirical chapters, this chapter has sought to explain the reasons behind the variation in the effectiveness of the EU's action towards Iran, particularly on the nuclear issue.

The first period (1992-2002) was characterised by low internal effectiveness and low external effectiveness. The EU failed to achieve most of its objectives, particularly in relation to Iran's poor record on human rights and involvement in terrorist activities. The reasons for this outcome essentially lie in the EU's inability to act as an autonomous and coherent actor.

The second period (2003-2005) was characterised by high internal effectiveness and medium external effectiveness. The EU managed to achieve some of its far-reaching goals: it brought Iran to suspend its nuclear enrichment activities, on a voluntary basis, sign and adheres to the IAEA Additional Protocol, and managed to prevent a military escalation and establish a diplomatic pathway to peacefully solve the nuclear crisis. EU internal effectiveness translated into (medium) external effectiveness mainly because of Iran's cooperative behaviour and its positive response to the EU's demands.

The third period (2006-2015) was characterised by high effectiveness, both internal and external. The EU met most of its far-reaching goals. Importantly, a long-term comprehensive plan on Iran's nuclear programme was adopted, which ensured that Iran would never acquire nuclear weapons and that its nuclear enrichment programme would be exclusively for peaceful purposes in return for the lifting of sanctions. The reasons behind this landmark agreement are to be attributed not only to the EU's ability to act deliberately and purposefully, but also to the presence of a favourable context, facilitated by strong transatlantic cooperation, Iran's constructive engagement and the EU's use of cooperative diplomacy.

## Chapter 7 Conclusion

This thesis has traced the evolution of the EU's action towards Iran, and in particular its attempts to find a solution to the nuclear crisis, from the early 1990s to the signature of the 2015 landmark agreement. Over more than two decades, the EU pursued different approaches, including conditional engagement (1992-2002), engagement with limited coercive measures (2003-2005), coercive diplomacy sanctioning Iran leading to a cooperative strategy based on mutual respect and the pursuit of mutually beneficial solutions (2006-2015). These different approaches, which were affected by the EU's ability to act coherently and purposefully and by the (more or less favourable) international context, resulted in different outcomes in terms of goal achievement across the three periods, hence the following research question: what explains variation in the effectiveness of the EU's actions towards Iran?

To answer this question, this study has engaged with two strands of the academic literature: one interested in EU-Iran relations, particularly the nuclear issue, and another concerned with the EU's behaviour in the international arena. By providing in-depth analysis of EU-Iran relations throughout a long period, this study represents a first step towards a better understanding of the EU's effectiveness vis-à-vis third countries. It has also added to existing general work on the EU's effectiveness as a global actor and the link between the EU's internal capabilities and its ability to be an externally effective actor. To do so, this study has unpacked the concept of effectiveness and established that internal effectiveness – that is, whether the EU manages to act cohesively and purposefully – does not always translate into external effectiveness – that is, whether the EU is able to reach the goals it sets for itself. It is important to reiterate here that Iran has not been used as a case study to 'test' the EU's effectiveness as a global actor; in fact, this thesis is about explaining the evolution of the EU's relations with Iran using the effectiveness framework.

The rest of this chapter briefly summarises the main argument of the thesis, returns to the issues raised in the introduction and makes some suggestions for further research.

## ***1. EU-Iran relations and the nuclear issue***

The three empirical chapters have dealt with the effectiveness of the EU's actions towards Iran over different time periods: from 1992 to 2002 (chapter three); from 2003 to 2005 (chapter four); and from 2006 to 2015 (chapter five).

For most of the 1990s and early 2000s, the EU was not preoccupied with Iran's nuclear programme, and in fact it focused its attention on other issues, notably human rights, terrorism and the fatwa against Salman Rushdie. Contrary to what was claimed by the US, the EU was reassured by the fact that Iran, as a non-nuclear state, abided by its obligations under the Non-Proliferation Treaty. It was only in the late 1990s (in the context of the negotiations for the Trade and Cooperation Agreement) that Iran's nuclear enrichment activities moved up on the agenda, though initially the EU did not go beyond encouraging Iran to comply with international treaties and arrangements on weapons proliferation.

Existing academic analyses have mostly documented the benefits of close ties between the two parties, which to a large extent reflected the interests of various EU Member States and in minimal part the increasing profile of normative issues in the EU's foreign policy agenda. Special attention has been placed on the different approaches pursued by the EU and the US and how these divergences became the source of significant transatlantic tensions (Struwe, 1998; Rudolf, 1999; Reissner; Pinto, 2001; Taylor, 2001; Calabrese, 2004; Noi, 2005). This study, instead, has highlighted the importance of the EU's internal effectiveness for its external effectiveness. Specifically, it has empirically shown how the different priorities and interests of key Member States made it difficult for the EU to present an autonomous and coherent policy so as to ensure that its overall objectives could be met. Internal divisions had a negative impact on the EU's ability to behave as a global actor and, unsurprisingly, its conditional policy towards Iran remained largely declaratory.

With the announcement of the existence of at least two previously undeclared nuclear fuel facilities in 2003, Iran's nuclear programme became more central in EU-Iran relations and more generally in the EU's external agenda. Between 2003 and 2005 the EU was very active and took different initiatives towards its ultimate goal: finding a comprehensive long-term negotiated solution that would prevent Iran from acquiring nuclear weapons and ensure that its nuclear programme would exclusively be for peaceful purposes. This approach, clearly, contrasted with the US policy of isolating and sanctioning Iran.

This transatlantic rift has been highlighted by the existing literature as the key factor impeding on the EU's ability to meet its objectives – in particular, that of bringing the US to provide Iran with security guarantees (Einhorn, 2004; El-Khawas, 2005; Leverett, 2006, Sauer, 2007b; Santini, 2010). This study, instead, has demonstrated that it was not so much the existence (or absence) of transatlantic cooperation that affected the EU's ability to reach its goals. Rather, it is argued, the EU's failure to address some of Iran's vital interests, in particular its right to enrich uranium, was behind Iran's sceptical attitude in its dealing with the EU.

Conventional wisdom suggests that the EU's external effectiveness would be low when other international actors, in particular the US, take different or alternative approaches to those pursued by the EU. By contrast, the EU's external effectiveness would be expected to be high when other actors support the EU's position (Young, 2011; Van Schaik and Schunz, 2012; Groen and Niemann, 2013; Bretherton and Vogler, 2013; Conceição-Heldt and Meunier, 2014; Conceição-Heldt, 2014). Importantly, this study has challenged these expectations and found that, despite the US lukewarm approach, the EU was able to achieve some of its objectives in the second period (2003-2005). Along similar lines, in the case of the EU's proposal of August 2005, in spite of strong transatlantic cooperation, negotiations failed to bring Iran to find a comprehensive negotiated solution to the nuclear crisis. In fact, Iran strongly opposed all external demands of a permanent suspension of its nuclear enrichment programme: what these findings thus suggest is that the cooperative behaviour of the target country must be taken into the consideration when explaining the EU's effectiveness towards third countries.

The adoption of sanctions against Iran by the UN Security Council in 2006 marked the beginning of a new phase in EU-Iran relations. Existing analyses have extensively focused on the effects of these sanctions, which brought limited change in Iran's behaviour and, for some, were even counterproductive (Maloney, 2010; Esfandiary and Fitzpatrick, 2011; Blockmans and Waizer, 2013; Giumelli and Ivan, 2013; Cheraghlou, 2015; Borszik, 2016). This study has carefully considered the reasons behind the ineffectiveness of such coercive measures, pointing to the failure of the EU, as well as other international actors, in addressing issues that were crucial for Iran at the domestic level. Although sanctions severely hit the economy, Iran's political leaders resisted all pressures aimed at achieving full compliance or zero enrichment. The new basis for a compromise – addressing the security concerns of Western powers but also some critical issues for Iran – was crucial: both parties adopted a more flexible stance towards a negotiated and comprehensive deal.



Evidently, the 2015 landmark agreement, which paved the way to the normalisation of relations between Iran and the international community – and together with it, the achievement of the EU's stated goals – would not have been possible without Iran's cooperative behaviour.

Again, findings from this period have revealed that focusing only on the position of the US is insufficient to explain variation in the EU's external effectiveness. Although EU-US cooperation, together with a more consensual approach taken by E3/EU+3, was crucial to increase pressure on Iran, it cannot be concluded that stronger transatlantic cooperation would surely result in higher EU external effectiveness. EU-US joint pressure on Iran was by itself not sufficient to bring the country to comply with their demands; instead, EU external effectiveness was more heavily conditioned by other factors, most notably Iran's cooperative behaviour and the acknowledgement of some of Iran's vital interests. Indeed, this thesis found that agreeing on a comprehensive solution was not possible under President Ahmadinejad. The EU was able to meet its objectives – first with the interim deal in November 2013 and then with the comprehensive agreement in July 2015 – only when President Rouhani demonstrated more willingness than his predecessor to cooperate with Western powers and find a mutually beneficial solution to the nuclear crisis.

More generally, this study has shown how the EU, specifically in the first period, was reluctant to impose coercive measures in the case of violations of human rights. Like in many other instances, this reluctance could be attributed to the fact that EU Member States, which shared substantial trade and commercial interests with Iran, were not eager to sacrifice their economic interests for the sake of normative goals. In contrast, when there was a serious threat to the EU's security, notably a nuclear crisis, the EU was more cohesive over the need to use coercive measures to bring Iran to comply with its demands. Importantly, the EU MSs demonstrated unprecedented unity and readiness to sacrifice their economic interests for the sake of preventing Iran from further developing its nuclear capabilities. In fact, the EU, for the first time, imposed autonomous sanctions over nuclear proliferation issues.

This study has also, albeit indirectly, investigated the impact of the various institutional reforms adopted by the EU from the Maastricht Treaty in 1992 to the Lisbon Treaty in 2009. There are no doubts that, increasingly, the EU has boosted its external capabilities, the assumption being that high internal effectiveness – particularly with the creation of the gradually more powerful position of High Representative for Foreign Affairs and Security

Policy – would strengthen the likelihood of the EU of being an externally effective actor (Edwards, 2013; Delreux, 2014; Conceição-Heldt and Meunier, 2014). Empirical findings, nevertheless, do not allow to reach a firm conclusion on whether the EU was more capable of acting and then achieving its goals because of institutional changes. At the same time, it cannot be denied that the High Representative, first Catherine Ashton and then Federica Mogherini, played an instrumental role on the nuclear crisis – though less so on other aspects of EU-Iran relations. What is more crucial in boosting EU coherence and hence its effectiveness, as shown in the next section, is the willingness of the EU MSs to act more cohesively and stick to what they jointly agree at the EU level, even if that means sacrificing their national interest.

## ***2. The EU's effectiveness vis-à-vis third countries***

This thesis, thanks to a comprehensive analytical framework (chapter two) and a thorough comparative analysis of the empirical findings (chapter six), has added to existing work on the EU's effectiveness in international settings and more generally its role as a global actor. Within the existing literature, attention has increasingly shifted from what the EU 'is', as a type of power, to what the EU 'does', as a global actor, to what the EU actually 'achieves', as an effective actor, in global affairs. Recent literature has started to address the effectiveness of the EU in international arena (Laatikainen and Smith, 2006; Thomas, 2012; Van Schaik, 2013; Niemann and Bretherton, 2013; Conceição-Heldt and Meunier, 2014). However, this body of literature has mainly focused on explaining EU external effectiveness in multilateral negotiations or within international organisations. Furthermore, emphasis has mostly been on the EU's effectiveness in specific policy fields, such as trade and environment, that fall under the remit of exclusive or shared competence.

To explain variation in EU effectiveness towards third countries, this study has focused on two groups of factors: internal (specifically autonomy, coherence and recognition) and external (namely the position of other relevant actors, particularly the US, the behaviour of the target country and the corresponding EU negotiating style).

As for internal factors, it has been shown how the EU was more effective when it was able to act autonomously, coherently and was recognised by other actors, including the target country. Importantly, the level of legal competence in shaping the EU's capacity to act

coherently and effectively in world politics is less important than what has so far been claimed by the existing literature.

Conventional wisdom suggests that more supranational policy-making processes would strengthen the EU's coherence and thus its potential to be an externally effective actor. Accordingly, the EU is more likely to be coherent and effective in trade policy when it has exclusive competence and, for many, also in environmental policy where it shares competence with the Member States. Conversely, the EU is less likely to be coherent and effective in the case of foreign policy where it has (almost) no competence (Groenleer and Van Schaik, 2007; De Jong and Schunz, 2012; Van Schaik, 2013; Conceição-Heldt and Meunier, 2014). This study, however, has shown that there is no straightforward relationship between degree of competence and ability to act coherently and effectively in international affairs. The lack of EU competence, in fact, did not prevent the EU from acting purposefully and achieving its goals. Therefore, the EU can be an effective actor also in foreign policy.

What mostly matters then is the EU's ability to formulate determinate policies and goals, which put tight boundaries for acceptable behaviour of its MSs, and the political will of the MSs to act in line with what they have jointly agreed upon. Empirical findings have demonstrated that the EU MSs did agree on a common position, pursued and accepted the consequences of this common position and even forgo their individual interests in favour of the EU's common position. The increasing and continued consensus over the reinforcement of sanctions against Iran, first through the UNSC framework and then through unilateral oil and financial restrictive measures, are the clearest demonstration of the EU's ability to act collectively in international affairs.

Claiming that EU internal effectiveness is necessary to achieve its objective means that the EU cannot be an externally effective actor if it does not have the capacity to act. In this sense, low internal effectiveness would always translate into low external effectiveness. For instance, findings from the first period (chapter 3) revealed that the EU demonstrated low internal effectiveness as it was not able to act autonomously and coherently. In turn, this resulted into low external effectiveness, with the EU failing to achieve its goals. Importantly, it was also found that EU internal effectiveness did not automatically translate into external effectiveness. Findings from the second and third period (chapter 4 and chapter 5) have shown that the EU was able to demonstrate high internal effectiveness, but

also that there was considerable variation in external effectiveness: thus, EU high internal effectiveness may co-exist with medium, high and even low external effectiveness.

The EU cannot be an externally effective actor without being an internally effective actor, yet the context under which the EU operates plays a crucial role in shaping the effectiveness of the EU in the international arena. The existing literature, again in the context of multilateral contexts, has mostly concentrated on transatlantic cooperation and paid relatively little attention to other factors (Young, 2011; Van Schaik and Schunz, 2012; Bretherton and Vogler, 2013; Groen and Niemann, 2013; Nielsen, 2013; Conceição-Heldt and Meunier, 2014). In this sense, conventional wisdom suggests that EU external effectiveness would be low when other international actors stick to their position or stand against the EU position. By contrast, EU external effectiveness would likely be high when other international actors support the EU's policy objectives.

Surprisingly, the behaviour of the target country and the corresponding negotiating style of the EU have been largely ignored by the existing literature. Filling this gap, this study has shown how taking into account the behaviour of the target country and its response to the EU's policy objectives, as well as the related EU negotiating style, is crucial to explaining why EU external effectiveness varies. Empirical findings have revealed that when Iran was cooperative, the EU was able to achieve its goals. Conversely, the EU was less effective when Iran refused to cooperate.

This study has also added insights into the role of the negotiating style used by the EU. In this sense, it has been argued that the level of the EU's external effectiveness depends also on the negotiating style it employs in its relations with the target country. Specifically, empirical findings have demonstrated that when the EU engaged in coercive diplomacy – that is, threatening and adopting coercive measures without making concessions to Iran – the latter was more resistant to the EU's demands and thus the EU was not very effective in reaching its goals. In contrast, when the EU engaged in cooperative diplomacy – that is, making concessions to Iran and moving towards mutually beneficial outcomes – Iran was more willing to cooperate and hence the EU was able to reach its objectives.

Overall, this study has documented significant variation in both internal and external effectiveness, as well as on their link. The first period (1992-2002) was characterised by low internal effectiveness and low external effectiveness. The EU failed to achieve most of its objectives, in particular changing Iran's behaviour regarding its human rights violations

and terrorism. The second period (2003-2005) was characterised by high internal effectiveness and medium external effectiveness. The EU managed to meet some of its goals, specifically regarding Iran's suspension of its nuclear enrichment activities and establishment of a diplomatic pathway to peacefully solve the nuclear crisis. The third period (2006-2015) was characterised by high effectiveness, both internal and external. The EU thus played an instrumental role in reaching the 2015 historic agreement, and this was largely due to Iran's positive attitude towards the EU, the EU's cooperative diplomacy and strong EU-US cooperation. The table below summarises the findings of these three periods.

**Table 7.1: Summary of empirical findings**

<b>Period</b>	<b>Internal effectiveness</b> (Autonomy, Coherence, Recognition).	<b>External effectiveness</b> (Position of other actors, Behaviour of the target country, EU negotiating style).
<b>1992-2002</b>	Low	Low
<b>2003-2005</b>	High	Medium
<b>2006-2015</b>	High	High

### **3. Final remarks**

This study has explored variation in the effectiveness of the EU's actions towards Iran from 1992 to 2015. By revisiting the long journey leading to the normalisation of relations between Iran and the international community, this study has demonstrated that internal effectiveness is necessary, but insufficient to explain EU external effectiveness, which in fact is also contingent upon the external context in which the EU operates. In particular, the empirical findings covering three distinct periods have revealed that focusing only on the position of the US (and related transatlantic cooperation) cannot always provide us with a full explanation of why the EU is (un)able to reach its objectives vis-à-vis third countries. Importantly, the behaviour of the target country and the negotiating style used by the EU must be taken into consideration to explain why the EU's effectiveness towards Iran has varied across time.

As for internal effectiveness, it has been argued that the EU is effective as a global actor when it was able to act autonomously, coherently and was recognised by other actors, including the target country. The level of legal competence in shaping the EU's capacity to act coherently and effectively in world politics is less important than what has been claimed by the existing literature. Importantly, when the EU is able to articulate determinate common positions and the Member States stick to what they decide jointly, the likelihood for the EU of being externally effective is significantly enhanced, regardless of decision-making rules.

At the time of writing (August 2017), the 2015 Joint Comprehensive Plan of Action was entering its second half of second year of implementation with no major hurdles. A number of concerns, however, started to emerge over the future of the nuclear deal as Donald Trump, elected President of the US in November 2016, threatened to snap back the sanctions and even surrender the existing arrangement. These threats, should they materialise, will certainly have an impact on the EU's approach towards Iran and possibly on transatlantic relations. The present study will thus provide the necessary context to better understanding not only the EU's response, but could also be used as reference for future research on nuclear crises.

In this sense, this study could serve as a starting point for further research on the behaviour of the EU towards so-called rogue states and the effectiveness of sanctions. Over the past two decades, the EU has placed sanctions against countries that have flouted international norms. It could then be interesting to further analyse why the EU pursues this type of approach in some cases (for instance Iran), but not in other cases (such as North Korea). Along similar lines, further research can be initiated to explain the role and impact of transatlantic cooperation in addressing defiant states. For instance, it could be asked why the US-led approach towards North Korea has largely failed to bring the country to comply with the concerns raised by the international community, whereas the EU-led approach towards Iran has been more effective.

More generally, this thesis could help to develop further analysis of the EU's behaviour vis-à-vis individual countries, particularly when these countries fail to constructively engage with the EU. In this sense, by unpacking both internal and external effectiveness, this thesis has proposed a comprehensive framework to explain variation in the EU's ability to meet its stated goals in relation to Iran across different periods and over various issues. True, the possibility of generalising from this case is complicated by the existence

of some context-dependent factors. Additional empirical studies would thus be necessary, hence this study could be seen as a first step towards a more comprehensive and broader understanding of the EU's effectiveness in the international arena.

## Appendices

### Appendix I: List of interviewees

<b>Interviewee</b>	<b>Date</b>	<b>Location</b>
Senior EU MS official (Political Section within Permanent Representation to the EU)	29 <sup>th</sup> February 2016	Brussels
Senior EU official (EURATOM Co-ordination and International Relations Unit at the European Commission Directorate-General for Energy)	1 <sup>st</sup> March 2016	Brussels
Senior EU MS official (Political Section within Permanent Representation to the EU)	1 <sup>st</sup> March 2016	Brussels
Senior EU MS official (Political Section within Permanent Representation to the EU)	2 <sup>nd</sup> March 2016	Brussels
Senior EU MS official (Political and Security Committee within Permanent Representation to the the EU)	2 <sup>nd</sup> March 2016	Brussels
Senior EU official (EEAS Sanctions Division)	3 <sup>rd</sup> March 2016	Brussels
Senior EU official (EEAS Iran Task Force)	4 <sup>th</sup> March 2016	Brussels



**Appendix II: Chronology of relations between the EU and Iran and the key issues (1992-2002)**

<b>Date</b>	<b>Main events</b>
11-12 December 1992	The EU established its policy of 'Critical Dialogue' at Edinburgh summit. Main issues of concern were human rights, terrorism and the death fatwa against Salman Rushdie.
August 1996	The US enacted ILSA, which created a big split between the EU and the US.
10 April 1997	Mykonos verdict, which concluded that high levels of Iranian officials were involved in the September 1992 assassination of three exiled Iranian Kurdish dissidents' leaders at the Mykonos restaurant in Berlin.
24 June 1997	The moderate Iranian president Mohammed Khatami was elected, with a policy for political reforms and economic liberalisation.
23 February 1998	The EU resumed official bilateral ministerial visits to and from Iran.
23 February 1998	The EU launched a 'comprehensive dialogue' with Iran. It encompassed the previous critical dialogue issues in addition to the non- proliferation.
24 September 1998	Iran gave assurance that it would not take any action against Salman Rushdie and those associated with his work.
February 2001	The EU decided to expand relations with Iran.
8 November 2001	Election of the US President George W. Bush. Soon he reauthorised the ILSA for another five years which was once again opposed by the EU.
19 November 2001	EU commission approved a proposal for negotiating the TCA with Iran.
29 January 2002	Bush labelled Iran as a member of an 'axis of evil', alongside Iraq and North Korea, which refuted by the EU.
12 July 2002	The EU Council agreed on TCA negotiations with Iran, which linked the economic development with the progress of Iran's behaviour on main areas of concern to the EU.

August 2002	Iranian exiled opposition group reports existence of non-declared uranium enrichment facility at Natanz and heavy water plant at Arak.
October 2002	The EU-Iran human rights dialogue was established, including four rounds of political and expert dialogue variety of human rights issues.
12 December 2002	Formal talks started between the EU and Iran over the TCA.

**Appendix III: Chronology of relations between the EU and Iran and the key issues (2003-2005)**

<b>Date</b>	<b>Main Events</b>
22 February 2003	The IAEA Director General ElBaradei paid a visit to Tehran to investigate the rumours about Natanz and Arak facilities.
22 February 2003	Iran formally admitted the existence of the Natanz and Arak facilities.
6 June 2003	The IAEA report confirmed that Iran had failed to meet its obligations under the NPT.
16 June 2003	The EU Council, for the first time, got directly involved with Iran's nuclear programme.
16 June 2003	The EU Council suspended the TCA negotiations with Tehran.
Early August 2003	The E3 foreign ministers sent a letter to Iran, demanding it to sign and implement the IAEA Additional Protocol and cooperate fully with the IAEA.
30 August 2003	The EU HR, Javier Solana, visited Tehran, demanding it sign the IAEA Additional Protocol and cooperates with the IAEA.
12 September 2003	The IAEA unanimously passed a resolution, giving Tehran a 31 October 2003 deadline to suspend all further uranium enrichment-related activities.
21 October 2003	The E3 and Iran signed the Tehran Agreement in which Iran agreed to suspend its uranium enrichment as a confidence building measure.
23 October 2003	Iran submitted a declaration to the IAEA on its nuclear activities.
10 November 2003	The IAEA report concluded that there was no evidence that the previously undeclared Iran's nuclear activities were related to a nuclear weapons programme.
18 December 2003	Iran signed the IAEA Additional Protocol, allowing snap inspections.
January 2004	Solana joined the negotiations, alongside with the E3.
12 January 2004	Solana visited Tehran, under the mandate of the EU council, to discuss the modalities to take forward the EU's dialogue with Iran.

24 February 2004	Iran agreed with E3/EU to extend the scope of its suspension to include the assembly and testing of centrifuges in all its facilities.
24 February 2004	The IAEA report confirmed that Iran has presented all declared nuclear material to the Agency for its verification, but found traces of polonium and P-2 centrifuge design that is against its declaration of October 2003.
13 March 2004	The IAEA resolution reaffirmed that Iran's October declarations did not amount to the complete and final picture of Iran's past and present nuclear programme.
27 March 2004	Iran announced the inauguration of a plant in the central city of Isfahan.
21 May 2004	Iran submitted a second report to the IAEA, providing broader information about its nuclear activities.
18 June 2004	The IAEA resolution deplored Iran's lack of cooperation with the Agency.
25 June 2004	Iran removed the IAEA's seals and resumed manufacturing and testing centrifuges.
18 September 2004	The IAEA resolution set the end of November 2004 as a deadline for a full review of Iran's alleged nuclear activities.
15 November 2004	The E3/EU and Iran signed the Paris Agreement as a starting ground to find a comprehensive long-term agreement.
29 November 2004	The IAEA resolution endorsed the Paris Agreement.
March 2005	The US offered some incentives to Iran, such as Iran's access to the WTO.
24 June 2005	The Iranian hardliner president Ahmadinejad was elected.
5 August 2005	The E3/EU delivered its proposal for a framework for a long-term agreement to Iran.
5 August 2005	Iran immediately refused the E3/EU proposal of August 2005.
5 August 2005	The US, for the first time, explicitly supported the E3/EU's proposal.

10 August 2005	Iran removed the IAEA seals from the conversion facility in Isfahan and began uranium conversion activities.
20 September 2005	The EU threatened to report Iran's nuclear case to the UNSC.
24 September 2005	The IAEA, for the first time, found Iran in 'non-compliance' with the NPT, which opened the door to report Iran to the UNSC.
13 November 2005	Russia offered Iran a proposal to carry out its enrichment activities on Russia's soil.
13 November 2005	Iran insisted that enrichment should only be carried out on its soil.
Late December 2005	The negotiations between the E3/EU and Iran had reached a stalemate.

**Appendix IV: Chronology of relations between the EU and Iran and the key issues (2006-2015)**

<b>Date</b>	<b>Main Events</b>
10 January 2006	Iran removed the IAEA's seals at Natanz facility and decided to resume enrichment activities.
12 January 2006	The E3/EU called for an IAEA emergency meeting, with the view to refer it to the UNSC.
4 February 2006	The IAEA decided to refer the Iranian nuclear program to the UNSC.
5 February 2006	Iran ended the implementation of all non-legally binding measures, including the IAEA Additional Protocol.
29 March 2006	The UNSC issued a non-legally binding statement, giving Iran a month deadline to suspend its nuclear enrichment activities.
30 March 2009	Iran rejected the UNSC presidential statement.
1 June 2006	The E3/EU+3 agreed to offer Iran a package of incentives in return of suspending its nuclear enrichment activities.
1 June 2006	The US offered direct talks with Iran if it suspended its nuclear enrichment programme.
1 June 2006	Iran immediately rejected the US preconditions for talks.
6 June 2006	The EU HR Solana, on behalf of the E3/EU+3, presented the June proposal to Iran.
13 July 2006	Solana negotiations with Larijani, on behalf of the E3/EU+3, concerning the June proposal failed.
17 July 2006	The EU Council threatened to take Iran's nuclear issue to the UNSC for sanctions.
31 July 2006	The UNSC passed resolution 1696 that made the enrichment suspension mandatory, threatening to sanction Iran if it did not comply by 31 August.
31 July 2006	Iran rejected the resolution and threatened to leave the NPT.
22 August 2006	Iran responded to the E3/EU+3 proposal, refusing suspension as a precondition for talks.

31 August 2006	The IAEA report confirmed that Iran did not suspend its nuclear enrichment activities.
15 September 2006	The EU Council mandated Solana to hold final talks with Larijani before sanctioning Iran.
4 October 2006	Solana talks with Larijani failed to produce any progress.
15 December 2006	The EU Council decided to support sanctions against Iran within the framework of the UNSC.
23 December 2006	The UNSC issued its Resolution 1737, imposing limited economic sanctions against Iran for the first time.
23 December 2006	Iran rejected the UNSC Resolution 1737.
5 March 2007	The EU Council called for further UNSC sanctions against Iran.
24 March 2007	The UNSC adopted resolution 1747, expanding the scope of the previous sanctions against Iran.
25 March 2007	Iran rejected the UNSC resolution 1747 and insisted on its right to enrich uranium.
25 April 2007	The talks between Solana and Larijani failed to produce any progress.
15 November 2007	The IAEA report confirmed that Iran did not comply with the UNSC resolution 1747 demands.
1 December 2007	Another round of talks between Solana and Larijani failed to make any progress.
12 February 2008	The EU Council agreed to impose further UNSC sanctions against Iran.
3 March 2008	The UNSC adopted resolution 1803, broadening sanctions against Iran. It also mandated Solana to deliver to Iran a revised package of the June 2006 Proposal.
3 March 2008	Iran rejected the UNSC resolution 1803.
14 June 2008	Solana conveyed the revised package of June proposal to Iran.
5 July 2008	Iran rejected the revised package, confirming that it would never suspend its nuclear enrichment activities.

8 November 2008	The new US president Obama was elected and took office on 20 January 2009, with a policy of direct negotiations with Iran without preconditions.
21 September 2009	Iran introduces a new facility, Fordow, in a city of Qom.
1 October 2009	Solana and Jalili agreed in principle on prospect of transferring produced Iran's enrichment to the third country, the so-called fuel-swap.
18 November 2009	Iran rejected the fuel-swap proposal.
1 December 2009	With the entry into force of the Treaty of Lisbon, Catherine Ashton took over from Javier Solana as High Representative and as a Vice President of the Commission (HR/VP).
2 December 2009	The Iranian president vowed to increase the level of enriched uranium to 20 percent.
11 December 2009	The EU Council decided to work for adopting further UNSC restrictive measures against Iran.
18 February 2010	The IAEA report raised concerns about Iran's nuclear activities related to the development of a nuclear payload for a missile.
17 May 2010	Iran agreed with Brazil and Turkey to send its low enrichment uranium to Turkey.
9 June 2010	The UNSC adopted resolution 1929, broadly targeted Iran's financial, commercial, transportation and other sectors.
9 June 2010	Iran rejected the UNSC resolution 1929 and defied to continue enriching uranium.
14 June 2010	The EU Council decided to adopt its own additional restrictive measures against Iran.
16 June 2010	Ashton invited Jalili to have talks concerning its nuclear enrichment programme.
17 June 2010	The EU imposed some of its own restrictive measures against Iran, fully prohibiting of new investment in Iran's energy sector.



6 December 2010	The E3/EU+3 and Iran had talks between in Geneva without progress.
21 January 2011	Another round of talks between the E3/EU+3 and Iran carried out, but yielded no results.
8 November 2011	The IAEA report raised serious concerns that Iran had mastered the critical steps needed to build nuclear weapons.
14 November 2011	The EU Council decided to impose further sanctions against the country.
1 December 2011	The EU Council imposed further restrictive measures against Iran, targeting 180 entities and individuals related to its nuclear activities.
5 December 2011	Iran condemned the EU sanctions and rejected to comply.
23 January 2012	The EU Council adopted its toughest sanctions against Iran, targeting oil and petroleum products.
15 February 2012	Iran expressing its readiness to have further talks with the E3/EU+3.
14 April 2012	Negotiations took place between Iran and the E3/EU+3 in Istanbul, with no tangible results.
23 May 2012	Another round of negotiations between the E3/EU+3 and Iran took place in Baghdad.
18 June 2012	Further talks took place in Moscow between the E3/EU+3 and Iran, but yielded no progress as Iran insisted on its right to enrich uranium.
15 October 2012	The EU Council imposed further sanctions against Iran, prohibiting all transactions between European and Iranian banks.
25 February 2013 and 5 April 2013	Further negotiations between the E3/EU+3 and Iran took place in Almaty, Kazakhstan, but concluded with no breakthrough as both sides were ready to make concessions.
24 June 2013	The new Iranian reformist open-minded president was elected.
26 September 2013, 15 October 2013 and 7 November	Substantial talks between the E3/EU+3 and Iran took place in New York and Geneva. Both sides showed determination to resolve Iran's nuclear issue and were ready to make mutual concessions.

2013	
24 November 2013	The E3/EU+3 and Iran reached a significant interim deal (JPOA), which entered into force on 20 January 2014 and paved the way for a final solution to Iran's nuclear issue.
20 February 2014, 19 March 2014 and 9 April 2014	Several talks between the E3/EU+3 and Iran took place in Vienna, which were positive and successful in discussing all the issues in finding a final solution.
1 November 2014	Federica Mogherini took over from Ashton as EU HR/VC.
2 April 2015	The E3/EU+3 and Iran agreed on a political framework for a final deal (JCPOA).
14 July 2015	The E3/EU+3 and Iran eventually reached the final agreement (JCPOA) that addressed the interests of the E3/EU+3 and Iran.

**Appendix V: Main UNSC, EU and US sanctions imposed against Iran**

<b>Imposer</b>	<b>Date</b>	<b>Main Sanctions</b>
UNSC	23 December 2006	<p>The Resolution 1737, for the first time, imposed sanctions against Iran:</p> <ul style="list-style-type: none"> <li>-It decided that all states shall take the necessary measures to prevent the supply, sale or transfer directly or indirectly to, or for the use in or benefit of, Iran, of all items, materials, equipment, goods and technology that could contribute to Iran's enrichment-related, reprocessing or heavy water-related activities.</li> <li>-It decided that all states shall also take the necessary measures to prevent the provision to Iran of any technical assistance or training, financial assistance, investment, brokering or other services, related to the supply, sale, transfer, manufacture of use of the prohibited items, materials, equipment, goods and technology.</li> <li>-It decided that all states shall freeze the funds, other financial assets and economic resources that are owned or controlled by the 22 persons or entities, identified in this resolution, who involved in the nuclear programme or in the ballistic missile programme, and other persons and entities designated by the UNSC. These restrictions do not apply to funds, other financial assets or economic resources that have been determined by relevant states to be necessary for basic expenses, extraordinary expenses, or to be the subject of judicial, administrative or arbitral lien or judgment.</li> </ul>
UNSC	24 March 2007	<p>The Resolution 1747 imposed further sanctions in addition to the previous one:</p> <ul style="list-style-type: none"> <li>-It decided that Iran shall not supply, sell or transfer directly or indirectly from its territory or by its nationals or using its flag vessels or aircraft any arms or related materials, and that all states shall prohibit the procurement of such items from Iran.</li> <li>-It also designated further 28 entities and persons to be subjected to a visa ban and a freeze of assets, including major Iranian</li> </ul>

		<p>Banks-Bank Sepah and Bank Sepah International- and individuals of the Iranian Revolutionary Guard Corps.</p> <p>-It called upon all states to exercise vigilance and restraint in the supply, sale or transfer directly or indirectly of any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles, or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services, related to the supply, sale, transfer, manufacture or use of such items.</p> <p>-It called upon all states and international financial institutions not to enter into new commitments for grants, financial assistance, and concessional loans, to Iran, except for humanitarian and development purposes.</p>
UNSC	3 March 2008	<p>In addition to the previous sanctions, the Resolution 1803 adopted further sanctions:</p> <ul style="list-style-type: none"> <li>- It designated further 25 persons and entities to be subjected to a visa ban a freeze of assets.</li> <li>- It called upon all states to exercise vigilance in entering into new commitments for public provided financial support for trade with Iran, including granting of exports credits, guarantees or insurance, to their nationals or entities involved in such trade.</li> <li>- It called upon all states to exercise vigilance over the activities or financial institutions in their territories with all banks domiciled in Iran, in particular with Bank Melli and Bank Saderat and their branches and subsidiaries abroad.</li> <li>- It called upon all states to inspect the cargoes to and from Iran, of aircraft and vessels, at their airports and seaports, owned or operated by Iran Air Cargo and Islamic Republic of Iran Shipping Line, provided there are reasonable grounds to believe that the aircraft or vessels in transporting goods prohibited in the UNSC resolutions.</li> </ul>
UNSC	9 June 2010	In addition to the previous sanctions, the Resolution 1929 adopted

		<p>further restrictive measures against Iran:</p> <p>-It decided that Iran shall not acquire an interest in any commercial activity in another state involving uranium mining, production or use of nuclear materials and technology, in particular uranium enrichment and reprocessing activities, all heavy-water activities or technology related to ballistic missiles capable of delivering nuclear weapons. It further decided that all states shall prohibit such investment in territories under their jurisdiction by Iran, its nationals, and entities incorporated in Iran or subject to its jurisdiction, or by persons or entities acting on their behalf or at their directions, or by entities owned or controlled by them.</p> <p>- It decided that all states shall prevent the direct or indirect supply, sale or transfer to Iran, any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles, or related materiel, including spare parts. It also decided that all States shall prevent the provision to Iran by their nationals or from or through their territories of technical training, financial resources or services, advice, other services or assistance related to the supply, sale, transfer, provision, manufacture, maintenance or use of such arms and related materiel, and, in this context, calls upon all States to exercise vigilance and restraint over the supply, sale, transfer, provision, manufacture and use of all other arms and related materiel.</p> <p>- It decided that Iran should not undertake any activity related to ballistic missiles capable of delivering nuclear weapons, including launches using ballistic missile technology, and that states shall take all necessary measures to prevent the transfer of technology or technical assistance to Iran related to such activities.</p> <p>- It also designated further 38 entities and persons to be subjected to a visa ban and a freeze of assets and called upon all states to take all necessary measures against them.</p>
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EU	17 June 2010	<p>The EU introduced its first set of unilateral restrictive measures against Iran:</p> <p>-It mainly focused on the areas of trade, especially dual use goods and further restrictions on trade insurance. It banned export to Iran of all arms and materials.</p> <p>-The financial sector, including freeze of additional Iranian banks and restrictions on banking and insurance. It also prohibited financial and technical assistance related to nuclear activities.</p> <p>-The Iranian transport sector, in particular the Islamic Republic of Iran Shipping Line and its subsidiaries and air cargo.</p> <p>- Key sectors of the gas and oil industry with prohibition of new investment, technical assistance and transfers of technologies,</p>

		<p>equipment and services related to these areas, in particular related to refining, liquefaction and LNG technology.</p> <p>- New visa bans and asset freezes especially on the Islamic Revolutionary Guard Corps.</p>
EU	1 December 2011	<p>-The EU Council targeted further 143 entities and 37 persons to be subjected to a freeze of their assets and economic resources in the EU and to a ban from entering the Union. It mainly targeted entities and persons who directly involved in Iran's nuclear activities, which are in violation of UNSC resolutions, entities and individuals owned, controlled or acting on behalf of the Islamic Republic of Iran Shipping Line, and members of as well as entities controlled by the Islamic Revolutionary Guards Corps.</p>
EU	23 January 2012	<p>The EU Council adopted further sanctions against Iran:</p> <p>-It banned imports of Iranian crude oil and petroleum products. The prohibition concerns import, purchase and transport of such products as well as related finance and insurance. It prohibited provision of financing, insurance or reinsurance related to Iranian crude oil sale or transport.</p> <p>- It outlawed imports of petrochemical products from Iran into the EU as well as the export of key equipment and technology for this sector to Iran. New investment in petrochemical companies in Iran as well as joint ventures with such enterprises are also no more allowed.</p> <p>- It froze the assets of the Iranian Central bank within the EU, while ensuring that legitimate trade can continue under strict conditions.</p> <p>- It prohibited trade in gold, precious metals and diamonds with Iranian bank. It also prohibited the delivery of Iranian-denominated banknotes and coinage to the Iranian central bank.</p> <p>- It subjected three more persons to an asset freeze and a visa ban, as well as the assets of eight further entities.</p>
EU	15 October	<p>The EU council adopted additional restrictive measures against</p>

	2012	<p>Iran:</p> <ul style="list-style-type: none"> <li>-It prohibited all transactions between European and Iranian banks, unless they are explicitly authorised in advance by national authorities under strict conditions. It also decided to strengthen the restrictive measures against the Central Bank of Iran.</li> <li>- It banned the export to Iran of further materials relevant to the Iranian nuclear and ballistic programmes or to industries controlled by the Iranian Revolutionary Guard Corps. This concerns in particular graphite, raw or semi-finished metals, such as aluminium and steel, as well as software for integrating industrial processes. The prohibition also includes related technical or financial assistance.</li> <li>- It banned the import of natural gas from Iran into the EU. This concerns import, purchase and transport of gas, as well as finance and insurance related to these activities. It also broadened the existing export ban on key equipment for the Iranian oil, gas and petrochemical industries.</li> <li>- It also banned transporting or storing Iranian oil and petrochemical products by vessels belonging to EU citizens and companies. Further, It prohibited the involvement of EU industries in the construction of new oil tankers for Iran, as well as the supply to Iran of key naval equipment and technology for ship building and maintenance. It also banned flagging and classification service for Iranian oil tankers and cargo vessels.</li> <li>- In addition to the medium-and long-term commitments, it also decided to stop supporting trade with Iran through new short-term export credits, guarantees or insurance.</li> <li>- It also targeted 34 additional Iranian entities providing substantial financial support to the Iranian government and one person involved in the Iranian nuclear programme with an asset freeze and a travel ban. This concerns notably entities active in the oil and gas industry and in the financial sector.</li> </ul>
US	14 November	-The US prohibited arms sales of any defence articles or defence



	1994	<p>services.</p> <p>-It decided to deny to Iran any credit or financial assistance by any department, agency, or instrumentality of the US government.</p> <p>-It imposed export controls on national security-sensitive WMD goods and technologies.</p>
US	15 March 1995	-The US prohibited contracts concerning overall supervision and management responsibility for the development of petroleum resources in Iran, as well as contracts related to the financing of the development of petroleum resources.
US	9 May 1995	<p>-The US prohibited importation, or the financing of such importation, of any goods or services of Iranian origin, publications and materials imported for news publications. It also prohibited exportation, or financing of such exportation, of any goods, technology, including technical data.</p> <p>-It also prohibited all US new investment in Iran, as well as any transaction, including purchase, sale, transportation, swap, financing, or brokering transactions.</p>
US	August 1996	- ILSA prohibited, and authorise the President to sanction, persons or companies, including foreign companies, that invest more than \$20 million or more in any 12-month period that directly contributes to Iran's or Libya's ability to develop its petroleum resources. United States goods, services, or technology, prohibited for export to Iran.
US	14 March 2000	-The US prohibited export of goods, services or technology related to the WMD or ballistic missiles.
US	28 June 2005	The US blocked property of WMD proliferation and their supporters.
US	30 September 2006	-The US adopted Iran Freedom Support Act that authorised to sanction involvement in Iran's nuclear activities or WMD and advanced conventional weapons. This includes export, transfer, or proved to Iran of any goods, services, technology or other items that would contribute materially to the ability of Iran to acquire or

		develop chemical, biological, or nuclear weapons or related technologies, or acquire or develop destabilising numbers of advance conventional weapons.
US	1 July 2010	<p>-The US adopted comprehensive Iran sanctions, which broadened all the sanctions against Iran with respect to the development of petroleum resources of Iran, production of refined petroleum products in Iran, and exportation of refined petroleum products to Iran.</p> <p>- It also triggered sanctions with respect to goods, services, technology, information, or support that could directly and significantly facilitate the maintenance or expansion of Iran's domestic production of refined petroleum products, including any direct and significant assistance with respect to the construction, modernisation or repair of petroleum refineries. It also triggered sanction on export of refined petroleum products, goods, services, technology, information or support for Iran's ability to import refined petroleum products.</p> <p>-It urges the President to impose sanctions on the Central Bank of Iran and any other Iranian financial institution engaged in proliferation activities or support of terrorism groups, also who facilitates the efforts of Iran's government and its Revolutionary Guard Corps or any of its agents or affiliates.</p> <p>-It also authorised the President to impose the full range of applicable sanctions on any individual or entity that is an agent, alias, front, instrumentality, representative, official, or affiliate of Iran's Revolutionary Guard Corps, and any individual or entity that has conducted any commercial transaction or financial transactions with an individual or entity of Iran's Revolutionary Guard Corps.</p> <p>-Sanctions also authorised for investment or assistance of \$1million in value in any one transaction, or \$5 million over a 12-month period, as well as \$20 million for help to Iran with developing its oil and gas fields.</p>

US	5 February 2012	-The US blocked all property and interests in property of Iran, including the Central Bank of Iran, and any Iranian financial institutions.
US	1 May 2012	The US prohibited certain transactions with and suspending entry into the US of foreign sanctions evaders with respect to Iran. It triggered sanctions against any one has violate, attempted to violate, conspired to violate, or caused a violation of any license, order, regulation, or prohibition.
US	30 July 2012	The US authorised sanctions against the foreign financial institutions that have knowingly conducted or facilitated any significant financial transaction with the National Iranian Oil Company or Naftiran Intertrade Company for the purchase or acquisition of petrochemical products from Iran, purchase or acquisition of petroleum or petroleum products from Iran.
US	August 2012	<p>The US expanded sanctions relating to the energy sector of Iran and proliferation of WMD by Iran. It imposed sanctions with respect to transportation of crude oil from Iran and evasion of sanctions by shipping companies.</p> <p>-It also authorised sanction with respect of development by Iran of WMD with regard to exports, transfers and transshipments, as well as joint ventures relating to the mining, production or transportation of uranium.</p> <p>-It further authorised sanctions with respect to the provision of vessels or shipping services to transport certain goods related to proliferation or terrorism activities to Iran, provision of underwriting services or insurance or reinsurance for the National Iranian Oil Company or the National Iranian Tanker Company, with respect to purchase, subscription to, or facilitation of the issuance of Iranian sovereign debt, and with respect to transactions with persons sanctioned for certain activities related to proliferation of WMD or terrorism.</p>
US	2 January 2013	The US adopter further sanctions with respect to Iran's energy, shipping, and shipbuilding sectors, with respect to the sale, supply

		or transfer of certain materials to or from Iran, with respect to foreign financial institutions that facilitate financial transactions on behalf of specially designated nationals, and with respect to the Islamic Republic of Iran broadcasting.
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**Appendix VI: List of nuclear facilities under the IAEA safeguards**

<b>Location</b>	<b>Facilities as in September 2002</b>	<b>New Facilities as of June 2003</b>	<b>New Facilities as of May 2012</b>
<b>Tehran</b>	Tehran Research Reactor (TRR)	Jabr Ibn Hayan Multipurpose Laboratories (JHL)	
	Molybdenum, Iodine and Xenon Radioisotope Production Facility (MIX Facility)		
<b>Bushehr</b>	Bushehr Nuclear Power Plant (BNPP)		
<b>Esfahan</b>	Miniature Neutron Source Reactor (MNSR)		
	Light Water Sub-Critical Reactor (LWSCR)		
	Heavy Water Zero Power Reactor (HWSPR)		
	Fuel Fabrication Laboratory (FFL)		
	Uranium Chemistry Laboratory (UCL)		
	Uranium Conversion Facility (UCF)		
	Graphite Sub-Critical Reactor, decommissioned (GSCR)		
<b>Natanz</b>		Fuel Manufacturing Plant (FMP)	

		Pilot Fuel Enrichment Plant (PFEP)	
		Fuel Enrichment Plant (FEP)	
<b>Arak</b>		Iran Nuclear Research Reactor (IR-40)	
		Heavy Water Production Plant (HWPP)	
<b>KARAJ</b>		Radioactive Waste Storage	
<b>ANARAK</b>		Waste storage site	
<b>Darkhovin</b>			360 MW Nuclear Power Plant (Introduced in August 2008)
<b>Fordow</b>			Fordow Fuel Enrichment Plant (FFEP) (Introduced in September 2009)
<b>Shiraz</b>			10 MW Fars Research Reactor (FRR) (Introduced in May 2012)

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- <sup>1</sup> The ease with which states or terrorists could potentially acquire sensitive nuclear materials was exemplified by the black-market nuclear proliferation ring operated by Pakistani scientist A.Q. Khan (Gartzke, and Kroenig, 2009).
  - <sup>2</sup> These sources include: Agence Europe, Agence France Presse, Deutsche Presse-Agentur, FARS News Agency, Iran Focus, Iranian Government News, IRNA, MEHR News Agency, Reuters, The Associated Press; Asharq Al-Awsat, Al-Monitor, Kayhan, The Financial Times, The Guardian, The Independent, The New York Times, The Telegraph, The Wall Street Journal, The Washington Post; EU Observer, The European Voice/Politico.
  - <sup>3</sup> A voice recorder was used for all interviews, except one. All interviewees were guaranteed anonymity, and thus are identified with their institutional affiliation: that is, senior EU official and senior EU MS official.
  - <sup>4</sup> In 1989, Ayatollah Khomeini condemned the British author Salman Rushdie to death on the charge of apostasy because of the content of his novel *'The Satanic Verses'* (Pinto, 2001).
  - <sup>5</sup> In this meaning, effectiveness is not synonymous with efficacy, which mainly refers to the power or capacity to produce effect (Oxford English Dictionary, 2009).
  - <sup>6</sup> Oberthür and Groen (2015), for instance, have developed a rather comprehensive framework for analysing the effectiveness dimension of the EU's performance in multilateral institutions, consisting of three interrelated elements: the quality of the EU's policy objectives (input); EU engagement in the negotiations (process); and goal achievement (outcome).
  - <sup>7</sup> Still, some attempts have been made. For instance, in the EU foreign policy scorecard of the EU's performance in international affairs, the European Council on Foreign Relations (ECFR) treats the EU as effective when it achieves its stated objectives, irrespective of other factors, thus assuming a direct causality between the EU's stated objective and the outcome (ECFR, 2010). Other scholars have tried to overcome this problem by simply linking internal effectiveness and external effectiveness, assuming direct correlation between what the EU does and what is actually achieves in international settings (Meunier, 2000; Laatikainen and Smith 2006): this is highly problematic as it overlooks the impact of other factors on the EU's external effectiveness (Niemann and Bretherton, 2013; Conceição-Heldt and Meunier, 2014).
  - <sup>8</sup> Several scholars have applied other criteria as fundamental bases not only for EU's capacity to act, but also for its ability to achieve its objectives (e.g. Bretherton and Vogler, 2013; Conceição-Heldt, 2014; Meunier, 2014; Delreux, 2014; Börzel and van Hüllen, 2014). However, different scholars have not confined themselves to specific criteria discussed above in evaluating EU internal effectiveness, while focusing on one factor, adjusting the above aforementioned approaches, or using more parsimonious approaches (e.g. Ginsberg, 1999; Gronleer and Van Schaik, 2007; Brattberg and Rhinard, 2013; Groen and Niemann, 2013).
  - <sup>9</sup> The terms consistency and coherence are often used interchangeably, mainly because the English version of the TEU has used the term consistency, while German and French versions of the treaty have used the term coherence. Their meaning, however, is different. Consistency mainly refers to the 'absence of contradiction' (Missiroli, 2001; Hillion, 2008; Gebhard, 2011) or the fact that policies in different areas should not undermine or cut across each other (Conceição-Heldt, 2014). Coherence implies 'positive connections' among various factors (Missiroli, 2001b; Gebhard, 2011), and is often considered a wider concept that encompasses consistency (Gauttier, 2004; Gebhard, 2011; De Jong and Schunz, 2012). From a political functional point of view, the difference may nevertheless prove less significant: both terms refer to the need for coordinated policies with the goal of ensuring that the EU acts unitarily (Missiroli, 2001a).
  - <sup>10</sup> The latter has been explicitly addressed by the Treaty on European Union. Article 24/(3) of the Treaty states 'the Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity and shall comply with the Union's action in this area'.
  - <sup>11</sup> In fact, transatlantic relations have gone through ups and downs, in particular since the end of the Cold War, and there have been clashes between the EU and US on various issues, such as environment, trade, political and security issues (Hyde-Price, 2002; Jones, 2004; Ochs and Schaper, 2005; Zaborowski, 2011; Nielsen, 2013).

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- <sup>12</sup> Interdependence refers to 'situations characterized by reciprocal effects among countries or among actors in different countries'. Asymmetrical interdependence among actors can be considered as a source of power (Keohane and Nye, 1989: 8, 18).
- <sup>13</sup> Asymmetric interdependence between the EU and the CEECs has been a crucial factor in bringing those countries to make reforms. The CEECs benefited more from liberalising markets with big membership incentive and long-term economic and geopolitical benefits and thus made more concessions (Börzel, and Risse, 2003; Moravcsik and Vachudova, 2003; Grabbe, 2003; Schimmelfenning and Sedelmeier, 2005).
- <sup>14</sup> For instance, Dimitrova and Dragneva (2009) have argued that in cases in which interdependence between Russia and Ukraine is high, the EU's ability to influence policies and transfer its own rules has been constrained, whereas when Russia-Ukraine interdependence low, the EU appears to be more effective in exporting its rules.
- <sup>15</sup> Policy conditionality entails that the EU links perceived benefits to third countries to the fulfilment of some conditions or demands changing behaviour of third country concerning issues of concern to itself. It might be positive, consisting of benefits to the target country if it fulfils the conditions, or negative, involving reducing, suspending or terminating those benefits of the target country violates the conditions (Smith K., 2001).
- <sup>16</sup> This type of diplomacy might also use the threat of force, but it is essentially not using actual force (George, 1971: 2). However, in the case of war, even if objectives are achieved, coercive diplomacy has failed (George, 1971; Jentleson and Whytock, 2005/2006). Military action is in itself evidence of the ineffectiveness of coercive diplomacy (Pape, 1997).
- <sup>17</sup> Nevertheless, although coercive measures might fail to bring the target country to comply with external demands, they might also create the conditions that contribute, even in a modest way, to the desired outcome (Portela, 2010).
- <sup>18</sup> In 1980s and early 1990s, the Iranian government was accused of being involved in assassinations of Iranian political opposition figures abroad, including in European countries. For instance, the assassination of former Iranian Prime Minister Shapour Bakhtiar in Paris in 1991, the murder of the leading member of the Iranian Kurdish opposition in Berlin in September 1992 and the killing of dissident Mohammad Naghdi, who was under Italian police protection in Rome in 1992 (Council of the EU, 1993c; Clawson, 1995: 44; Struwe, 1998: 27).
- <sup>19</sup> Germany had a special historical relationship with Iran. Following the Second World War, the political, diplomatic and economic relations between the two increasingly improved. These special relations had resulted in different economic and cultural agreements between them (Mousavian, 2010b). Germany also supported Iran's nuclear sector and the establishment of nuclear power reactors in Bushehr in 1976. Thus, Germany kept its normal relations with Iran during 1980s (See also, Struwe, 1998; Reissner, 2000: 36; Bowen and Kidd, 2004: 261; Kibraglu, 2007: 234).
- <sup>20</sup> Geo-strategically, it occupies a central position in the Persian Gulf. It borders Pakistan and Afghanistan to the east, Turkmenistan to the northeast, the Caspian Sea to the North, Turkey and Iraq to the West, Azerbaijan and Armenia to the northeast, the Gulf States, through the Persian Gulf and the Gulf of Oman to the south (Tzogopoulos, 2004: 11). Economically, there is no doubt that Iran has vast natural resources: it lives above the world's fourth largest reserves of oil, third world proven crude oil reserves (OPEC, 2014: 22), accounting for an estimated 10% of global proven oil reserves (approximately 136 billion barrels) (Ilias, 2008: 15). It also a second largest world proven natural gas reserves and is surpassed only by Russia (OPEC, 2014: 23), with an estimated 15% of the world's gas reserves (Ilias, 2008: 16). Additionally, it occupies an immensely sensitive position on a major drugs route to the United Kingdom and Europe (House of Commons, 2004: 5).
- <sup>21</sup> This German – Iran special relations had resulted in an unprecedented joint German – Iranian colloquium took place in Hamburg in March 1988 to discuss mutual problems (Struwe, 1998: 15), an important step to enhance cultural and academic contacts later developed to an approach to four 'German-Iranian Human Rights Seminars' which took place between 1988 and 1994 (Rudolf, 1999: 74). Even before the introduction of the policy of critical dialogue, Germany announced the most specific list of expectations from Iran: an assurance not to sponsor or support terrorism in the Middle East, a positive approach towards Israel-Palestine conflict, a positive and concrete contribution to a peaceful solution in Lebanon by exerting a moderating impact upon the Hezbollah, improvement of human rights situation in Iran, and an end of all Iranian activities that threaten Iranian individuals living abroad (Rudolf, 1999: 76-77).
- <sup>22</sup> In May 1993, the US decided to adopt a policy that was derived from the assessment that the current Iraqi and Iranian regimes are both hostile to American interests and its allies in the region (Indyk, 1993). To deal with those threats, the US aimed to isolate both countries regionally, cutting them off from the world

- economic and trading system (Gause III, 1994: 56). It also aimed to freeze Iran out of the Arab-Israeli Peace process as well as to force Iran to revise its rejectionist stance on many regional issues and to change its behaviour internationally and thus become a 'good citizen' (Ehteshami, 2001: 295-296).
- <sup>23</sup> A representative body encompassing the current, former and future presidencies of the European Council. It might also take the format of Troika of Ministers, Head of Missions, or senior EU diplomats, conducting various meetings with the Iranian officials.
- <sup>24</sup> In 1992, Sadegh Sharafkandi, who was the leader of the Kurdish democratic party of Iran attended a Berlin meeting of the Socialist International on 17 September 1992, with three aides, the Kurdish democratic party's European Representative Fatah Abdoli, the representative in Germany Homagoun Ardalan and a friend of Dr Sharafkandi, Nourrlah Dehkordi, were murdered, the day after the Socialist International meeting, while eating in the Mykonos Restaurant in Berlin (Clawson, 1997).
- <sup>25</sup> Uranium Enrichment is the process of extracting from natural uranium the rare fissile isotope uranium-235. Natural uranium contains 0.7% of the U-235 isotope. Enriched uranium means uranium having a higher abundance ratio of the isotope uranium -235 than natural uranium. It is considered as special fissionable material that can serve as a nuclear fuel either for a nuclear reactor or for a nuclear weapon. Low enriched uranium is uranium enriched to less than 20% uranium-235. High enriched uranium is uranium enriched to 20% uranium-235 or more (IAEA, 2001b; World Nuclear Association, 2016).
- <sup>26</sup> The IAEA Additional Protocol is a protocol to a safeguards agreement that provides additional tools for verification and the IAEA's ability to monitor and verify the peaceful use of all nuclear material in States with comprehensive safeguards agreements (IAEA, 2014).
- <sup>27</sup> The Treaty states that 'nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination' (NPT, 1968: Article IV/1.2).
- <sup>28</sup> The P-2 centrifuges are made of a very hard alloy called maraging steel and are not proof of weapons aspirations but it needed to make a nuclear bomb. The P-2 uranium enrichment throughput is about 2.5 times greater than the P-1 centrifuge (Albright and Shire, 2008).
- <sup>29</sup> Venezuela, Syria and Cuba voted against. Algeria, Belarus, Indonesia, Libya and South Africa abstained.
- <sup>30</sup> The resolution passed by a vote of 14 in favour to 1 against (Qatar). Qatar wanted to wait until Tehran formally responded to the E3/EU+3 proposals (UNSC, 2006b).
- <sup>31</sup> Russia was building Iran's atomic power plant at Bushehr and thus insisted on removing a reference to Bushehr. China and Russia also demanded to decrease the number of materials and technology that would be prohibited, as well as individuals and companies that would be affected (The Associated Press, 23 December 2006). The E3/EU affirmed that the resolution did not apply to the Bushehr Nuclear Power Plant which satisfied Russia (Bolton, 2007: 335).
- <sup>32</sup> In particular, they made sure that the ban on Iranian arms exports did not relate to the previous signed contracts, voluntary restrictions on travel by the individuals subjected to sanctions, on arms imports to Iran and on new financial assistance or loans to Iran (The Associated Press, 24 March 2007).
- <sup>33</sup> The resolution passed with 14 votes in favour and none against and only Indonesia abstained because it was not convinced that more sanctions would resolve Iran's nuclear programme (UNSC, 2008b).
- <sup>34</sup> It was proposed that Iran would export 1,200 kilograms of LEU to Russia in a single batch before the end of the 2009; Russia further would enrich Iran's LEU to 19.75, after which it would be sent to France for fuel production. After approximately nine to twelve months, the first batch of fuel pads would be delivered to Iran. The full amount of fuel would not be delivered until two years after Iran had handed over its LEU to Russia. The US works with the IAEA to improve safety and control implementation at the TRR (Fitzpatrick, 2011; Parsi, 2012).
- <sup>35</sup> On the one hand, Iran would get fuel for its research reactor before running out of medical isotopes and more importantly it would be an implicit recognition of its enrichment activities (Parsi, 2012: 116). On the other hand, it would reduce the amount of LEU in Iran and it would establish the principle that Iranian uranium could be enriched outside of the country (Fitzpatrick, 2011: 29).
- <sup>36</sup> This lack of trust largely related to the dispute between Tehran and Paris over Eurodif, a multinational enrichment facility, based in France that Iran had helped fund. France's refusal to deliver enriched uranium from the plant to Iran—even though Iran held a 10 percent share of the plant—had fuelled Iranian mistrust (Fitzpatrick, 2011: 36).
- <sup>37</sup> The assumption that greater internal effectiveness enhances the EU's capability as an external effective actor was a key driver behind the Lisbon Treaty (Delreux, 2014: 1024; Conceição-Heldt and Meunier,

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- 2014: 961). Important provisions of the Lisbon Treaty sought to address this matter, in particular, the creation of the 'double-hatting' post of the HR, the EU HR was thus also vice-President of the Commission (HR/VP). The new provisions would allow the HR/VC to further promote coherence (Bretherton and Vogler, 2013: 384) and to play a more pro-active role at all stages of the policy process (Puetter, 2012: 27).
- <sup>38</sup> Brazil, as an international power, and Turkey, as a regional power defending enrichment rights and as rotating members of the UNSC were good candidates for Iran to negotiate fuel-swap deal (Mousavian, 2012: 380).
- <sup>39</sup> Brazil and Turkey had voted against the resolution because it ran against their efforts to bring about a negotiated solution. Lebanon also stated that Iran's fuel swap deal with Brazil and Turkey provided a way towards a peaceful resolution to Iran's nuclear programme and therefore new sanctions represented a failure of diplomatic efforts (UNSC, 2010a).
- <sup>40</sup> The insurance ban particularly affected Iranian oil exports, as lack of adequate insurance impeded the sales of Iranian crude to all of its customers, including those in Asia. Iranian exports dropped to about 1.0 million b/d in July 2012. Iran's natural gas imports declined in 2012 from the previous year (by more than 35%) and in 2013 (by 21%) (EIA US Energy Information Administration, 2015). Iran's exports of crude oil and lease condensate declined to approximately 1.5 million barrels per day (bbl/d) in 2012, compared to 2.5 million bbl/d in 2011 (EIA US Energy Information Administration, 2013).
- <sup>41</sup> Rouhani's policy of rapprochement with the EU and the US based on mutual interests and respect can be traced back to 2003-2005 when he was leading the negotiations with the E3/EU. His main aim was to build international confidence that Iran's nuclear programme was exclusively for peaceful purposes, avert referring Iran to the UNSC and thus avoiding subsequent sanction, and at the same time retaining the Iranian nuclear programme's technological development and its right to peaceful nuclear programme (Ditto, 2013: 42).
- <sup>42</sup> Notably, the E3/EU+3 agreed to pause efforts to further reduce Iran's crude oil sales and suspend the EU and US sanctions on associated insurance and transportation services. EU and US sanctions on Iran's petrochemical exports, gold and precious metals and its auto industry would be suspended. They also agreed that no new UNSC, EU and US sanctions would be imposed against Iran (Joint Plan of Action, 24 November 2013).
- <sup>43</sup> The talks successfully identified and discussed all of the issues (Ashton, 2014; Ashton and Zarif, 2014a; 2014b). Importantly, Iran showed readiness to move towards finding a good deal to everyone, but warned against excessive demands (Kayhan, 16 May 2014). However, as a 20 July 2014 deadline loomed, disparities remained about Iran's enrichment capacity and centrifuge numbers (ECFR, 2014). To narrow the gaps, they therefore agreed to extend talks until 24 November 2014 (Ashton and Zarif, 2014c).